

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

VOLUME 13 NUMBER 221

Washington, Thursday, November 11, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 5—SURPLUS PROPERTY DISPOSAL MISCELLANEOUS AMENDMENTS

Part 5 is amended in the following respects:

1. Section 5.2 is amended to read as follows:

§ 5.2 *Definitions: regulations of War Assets Administrator.* The definitions contained in War Assets Administration Regulation 5 (32 CFR Supps., Part 8305) are adopted for the purposes of this part. [Sec. 103.02, FCA Surplus Property Disposal Manual]

2. Sections 5.4 and 5.21 are deleted.

3. Section 5.36 is amended to read as follows:

§ 5.36 *Authority for payment of public voucher.* Authority is furnished the vice president of the Federal Farm Mortgage Corporation to sign Standard Form No. 1143 in contracting for newspaper space under order of the Secretary of Agriculture dated September 7, 1945. Copies of this order may be used as required in furnishing the publisher with evidence of the authority of the officer in contracting for newspaper space. Ordinarily, the information to be furnished on the advertising order showing the date of authority to advertise should be sufficient evidence to the publisher of the authority of the officer contracting for newspaper space. Ordinarily, in purchasing advertising space from a particular newspaper, arrangements should be made for all publications of a particular notice at the time of submitting the advertising order. This would obviate the necessity of furnishing the same newspaper with additional advertising orders and provide for the payment of one voucher covering the total cost of publications required. [Sec. 307.06, FCA Surplus Property Disposal Manual]

4. Section 5.55 is amended to read as follows:

§ 5.55 *Value to be used in disposals to veterans.* Veterans, or the spouse

and children of a deceased veteran or the spouse and children of a deceased serviceman, are given the right to purchase surplus real property at a price fixed by the disposal agency after taking into consideration the character of the property and, if income-producing, the estimated earning capacity thereof. This price is interpreted, for all practical purposes, as being equivalent to the "fair value" as defined by the War Assets Administration. (See § 5.56 for definition and determination of "fair value.") It should be clearly understood that the fair value as established in connection with appraisal report form 1181a is the applicable price for use in sales to veterans as well as other priority purchasers, including: Government agencies, States and local governments, owner-operators, and nonprofit institutions. [Sec. 402.03, FCA Surplus Property Disposal Manual]

5. Section 5.56, paragraph (a), is amended to read as follows:

§ 5.56 *Fair value—(a) Definition.* This value is defined as the maximum price a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for investment or for use with the intention of devoting such property to the best or most productive type of use to which the property is suitable or capable of being adapted. [Sec. 402.04, FCA Surplus Property Disposal Manual]

6. Section 5.58 is amended to read as follows:

§ 5.58 *Appraising the individual tracts.* With respect to section 23 real property acquired by the Government after December 31, 1939, in making appraisals of the individual tracts arrangements should be made for the former owner to accompany the appraiser during his inspection of the property, if practicable. This will give him an opportunity to present to the appraiser any information he may have as to the changes in the property and the effect on the price for which he is entitled to repurchase his farm. The appraiser will assign the market price and the ad-

(Continued on p. 6643)

CONTENTS

Agriculture Department	Page
See also Commodity Credit Corporation; Commodity Exchange Authority; Farm Credit Administration; Forest Service; Rural Electrification Administration.	
Rules and regulations:	
Potatoes, Irish, in Maine; limitation of shipments	6644
Tobacco inspection; policy statement relevant to inspection service for 1948-49 marketing season for Burley tobacco auction markets	6644
Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Fuchs, Mina, and Elizabeth	
Fuchs	6670
Jansch, Paul	6670
Miyakoda, Shigeru, and Yatsuka Miyakoda	6670
Schilling Estate Co. and Bertha Rengert	6669
Schilling Estate Co. and Gretchen Kotzenberg	6669
Thiele, Rev. Karl, and Elizabeth Thiele	6671
Wenzel, Heinz	6671
Army Department	
Rules and regulations:	
State Guard; revocation of part	6645
Transfer and revision of regulations:	
Organized Reserves:	
Cross reference	6645
Enlisted Reserve Corps	6657
Officers' Reserve Corps	6645
Reserve Officers' Training Corps	6649
Procurement; supplies and equipment:	
Cross reference	6645
Horses and mules, procurement	6659
Veterinary inspection	6659
Civil Aeronautics Board	
Notices:	
Capital Airlines, Inc., hearing	6664
Commodity Credit Corporation	
Rules and regulations:	
Potatoes, Irish; 1948 purchase program (Corr.)	6644



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Now Available

UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—\$1.00 a copy

Order from Superintendent of Documents,
United States Government Printing Office,
Washington 25, D. C.

CONTENTS—Continued

Commodity Exchange Authority	Page
Rules and regulations:	
Organization, functions and procedure of Commodity Exchange Authority and Commodity Exchange Commission; discontinuance of codification	6645
Farm Credit Administration	
Rules and regulations:	
Surplus property disposal; miscellaneous amendments	6641
Federal Communications Commission	
Notices:	
Hearings, etc..	
Mackay Radio and Telegraph Co., Inc.	6665
Valdosta Broadcasting Co. and Okefenokee Broadcasting Co.	6664

CONTENTS—Continued

Federal Communications Commission	Page
Notices—Continued	
List of changes, proposed changes, and corrections in assignments:	
Canadian broadcast stations	6666
Cuban broadcast stations (2 documents)	6665
Rules and regulations:	
Organization, practice and procedure; organizational and editorial amendments	6662
Federal Power Commission	
Notices:	
Community Public Service Co., application	6666
Foreign-Trade Zones Board	
Notices:	
Application for grant to establish, operate and maintain foreign-trade zone at Seattle, Wash.	6666
Forest Service	
Rules and regulations:	
Tongass National Forest, Alaska	6660
Land Management, Bureau of	
Rules and regulations:	
Alaska; exclusion of certain tracts of land from national forest and restoration for purchase as homesites or business sites	6662
Grazing leases; revision of part	6660
Rural Electrification Administration	
Notices:	
Loan announcement (5 documents)	6664
Securities and Exchange Commission	
Notices:	
Hearings, etc..	
Brockton Edison Co. and Eastern Utilities Associates	6667
Buffalo, Niagara and Eastern Power Corp. et al.	6667
Southwestern Gas and Electric Co. et al.	6667

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6—Agricultural Credit	Page
Chapter I—Farm Credit Administration, Department of Agriculture:	
Part 5—Surplus property disposal	6641
Chapter II—Production and Marketing Administration (Commodity Credit)	
Part 245—Irish potatoes	6644
Title 7—Agriculture	
Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)	
Part 29—Tobacco inspection	6644

CODIFICATION GUIDE—Con.

Title 7—Agriculture—Con.	Page
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)	
Part 987—Irish potatoes grown in Maine	6644
Title 10—Army	
Chapter VI—Organized Reserves: <i>Revision and transfer of regulations</i>	6645
Chapter VIII—Supplies and Equipment:	
Part 818—Veterinary inspection	6645
Part 820—Procurement of horses and mules	6645
Title 17—Commodity and Securities Exchanges	
Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission) Department of Agriculture:	
Part 140—Organization, functions and procedure of the Commodity Exchange Authority	6645
Part 149—Organization, functions and procedures of Commodity Exchange Commission	6645
Title 32—National Defense	
Chapter II—National Guard and State Guard, Department of the Army:	
Part 211—State Guard regulations	6645
Title 34—National Military Establishment	
Chapter V—Department of the Army:	
Part 561—Officers' Reserve Corps	6645
Part 562—Reserve Officers' Training Corps	6649
Part 564—Enlisted Reserve Corps	6657
Part 608—Veterinary inspection	6659
Part 610—Procurement of horses and mules	6659
Title 36—Parks and Forests	
Chapter II—Forest Service, Department of Agriculture:	
Part 201—National forests	6660
Title 43—Public Lands: Interior	
Chapter I—Bureau of Land Management, Department of the Interior:	
Part 160—Grazing leases	6660
Appendix—Public land orders: 525	6662
Title 47—Telecommunication	
Chapter I—Federal Communications Commission:	
Part 1—Organization, practice and procedure	6662

justed price for use in connection with disposals to the former owners or tenants. It will not be feasible, ordinarily, to establish the "fair value" until such time as the property becomes available for sale to veterans or lower priority purchasers, unless a Government agency or a State or local government indicates an interest in purchasing. In the latter event the fair value will be established and furnished on one appraisal report covering the specific acreage or property they wish to acquire, which may be all or any part of a project. Unless unusual circumstances prevail, only one appraisal report should be necessary even though the acreage covers several tracts or farms. In the appraisal of a large block including several farms it is necessary to consider the acreage as a whole rather than as several smaller tracts. In other words, the value of the acreage as a whole may not equal necessarily the sum of the values of the individual smaller tracts. [Sec. 404.02, FCA Surplus Property Disposal Manual]

7. Section 5.61, paragraph (a) (7) is amended to read as follows:

§ 5.61 *Appraisal report (Form FCA 1181a SPD)* (a) * * *

(7) *Fair value.* In reporting the "fair value" it will not be necessary to show the current market value on form FCA 1181a. [Sec. 404.05, FCA Surplus Property Disposal Manual.]

8. The first paragraph of § 5.62 is amended to read as follows:

§ 5.62 *Buildings and improvements to be sold separate from land.* When buildings or improvements are to be sold separate from the land the project manager should request the kind of value required for the particular disposal in accordance with the provisions of War Assets Administration Manual W4-2. The appraisal of buildings or improvements for off-site disposal will be in accordance with the instructions outlined in subsections 401 to 404 and 406 to 412 of War Assets Administration Real Property Letter No. 1, dated January 10, 1947, which read as follows: [Sec. 405.01, FCA Surplus Property Disposal Manual.]

9. Section 5.71 is amended to read as follows:

§ 5.71 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.32. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property on one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension there-

of) those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, and the length of time, if any, needed to acquire funds to purchase the property. The application shall show in detail the contemplated use of the property and set forth that the property is being acquired to fulfill, in the public interest, its legitimate needs. If the applicant shall require time to obtain funds, it shall within the priority period so state and indicate in its application the length of time needed for that purpose. Upon receipt of such application containing such a statement the disposal agency will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the applicant of such determination. [Sec. 502.03, FCA Surplus Property Disposal Manual]

10. Section 5.74 is amended to read as follows:

§ 5.74 *Deed to former owner.* Where a former owner purchases surplus real property in the exercise of his priority, the deed of conveyance shall name only the former owner as grantee. No former owner may exercise his priority acting as agent of, or otherwise in a representative or fiduciary capacity for, another party. A former owner, however, is not prohibited from exercising his priority with the intention of reselling the property. [Sec. 503.06, FCA Surplus Property Disposal Manual]

11. Section 5.91, paragraph (b), is amended to read as follows:

§ 5.91 *Offers to purchase.* * * *

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in § 5.70 and § 5.71. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer. Unless otherwise authorized by the Administrator and except upon a conveyance of airport property, or war housing or other structures and improvements sold for removal from the site, a State or local government or non-profit institution shall certify that it is acquiring the property for the uses and purposes set forth in its offer and that it is not acquiring the property for the purpose of resale and in no case will it resell the property within 2 years without first obtaining the written consent of the Administrator; or if a lessee, that it will not assign the lease or sublet all of the property, or a portion of the property without the prior

written consent of the Administrator. Any deed, lease, or other instrument conveying property subject to reservations, restrictions, or conditions as to the future use, maintenance, or transfer of such property shall unless otherwise authorized by the Administrator recite all representations and agreements pertaining thereto. [Sec. 602.02, FCA Surplus Property Disposal Manual]

12. Section 5.121 is amended to read as follows:

§ 5.121 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid provided that no sale shall be made at a price which is less than 75 percent of the fair value as established by appraisal until such offer has been reviewed and approved by the War Assets Administration unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed, and handled in the same manner as indicated in previous sections of the regulations in this part relating to offers from priority holders. Any information submitted, the disclosure of which might tend to subject the offer to a competitive business disadvantage shall, upon request be held in strict confidence by the disposal agency and by any other Government agency to which it is made available. If equal acceptable offers are received from two or more non-priority offerers, the selection shall be determined by the disposal agency, unless otherwise directed by the Administration, by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act. [Sec. 607.01, FCA Surplus Property Disposal Manual]

The foregoing amendments have been approved by the Secretary of Agriculture.

(58 Stat. 765; 50 U. S. C. App. and Sup. 1611, War Assets Administration Regulation 1, 12 F. R. 6661, War Assets Administration Regulation 5, 12 F. R. 7423; Order, Secretary of Agriculture, 10 F. R. 4647.)

[SEAL]

I. W. DUGGAN,
Governor.

[P. R. Doc. 48-3338; Filed, Nov. 10, 1948; 8:47 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 245—IRISH POTATOES

SUBPART—1948 PURCHASE PROGRAM

Correction

In Federal Register Document No. 48-9291, appearing at page 6138 of the issue for Thursday, October 21, 1948, the following changes should be made in the table:

1. The price for New York, other, for March, 1949, should read "\$3.45"
2. The price for North Dakota for March, 1949, should read "\$2.90"

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 29—TOBACCO INSPECTION

POLICY STATEMENT RELEVANT TO INSPECTION SERVICE FOR 1948-49 MARKETING SEASON FOR BURLEY TOBACCO AUCTION MARKETS

§ 29.052 *Policy statement.* Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and applicable delegations of authority and regulations issued thereunder by the Secretary of Agriculture (11 F. R. 177A-258, 281-283; 7 CFR 29.1 et seq.) the following policy statement is herewith promulgated:

(a) Tobacco inspection service for each designated Burley tobacco auction market is conditioned at any and all times upon a determination that such inspection service is reasonable. Whenever a determination is made that tobacco inspection service supplied to a designated Burley tobacco auction market is surplus to the requirements of reasonableness, the surplus portion of such inspection may be forthwith withdrawn therefrom. Conversely, whenever a determination is made that tobacco inspection service supplied to a designated Burley tobacco auction market is not sufficient to supply reasonable inspection service thereon, additional tobacco inspection service will be supplied, or in the absence of available qualified tobacco inspectors for such purposes, inspection on such market will be suspended, pursuant to section 5 of the act and the regulations duly issued thereunder. A determination relevant to the reasonableness of tobacco inspection service on any designated Burley tobacco auction market and each sale thereon will consider, among other pertinent factors, the volume of tobacco sold on said market, the number of growers selling tobacco on said market, a showing that producers, buyers and handlers of Burley tobacco participate in each sale on said market to an extent and in a manner comparable with customary participation of such groups in established auction sales of Burley tobacco, and a showing of the number of sets of tobacco inspectors needed to provide tobacco inspection service on that market comparable with the reasonable tobacco inspection service supplied to other designated auction markets.

(b) Burley tobacco available for auction on designated Burley auction markets for the 1948-49 marketing season is approximately the same as the volume sold on such markets during the 1947-48 marketing season, and substantially below the volume sold on such markets during the 1946-47 marketing season. The aggregate number of tobacco inspectors assigned to designated Burley tobacco auction markets for the 1947-48 marketing season supplied reasonable tobacco inspection service on such markets on the basis of consideration of all relevant factors applicable thereto, including the factors hereinbefore set forth, and, as the aggregate number of such inspectors assigned to such markets for the 1948-49 marketing season is equal to the aggregate number assigned to such markets for the 1947-48 marketing season, it is herewith determined that the assignment of additional tobacco inspectors to designated Burley tobacco auction markets for the 1948-49 marketing season is not necessary to supply reasonable tobacco inspection service on such markets for such season.

(c) For the purposes of this section "auction sale" shall be construed to mean the buying and selling of Burley tobacco, offered by farmers, by the auction process which customarily consists of a set of buyers, including at least five to twelve buyers who represent different companies which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries and who can be expected by reason of their normal purchases and use of tobacco to afford continuing competition for the duration of such sale for tobacco offered by producers thereon in a manner and degree similar to the competition on other designated auction markets; an auctioneer who takes each buyer's bid; a sale starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot. (49 Stat. 731, 7 U. S. C. 511 et seq.)

Done at Washington, D. C., this 8th day of November 1948.

✓ [SEAL]

FRANK K. WOOLLEY,
Acting Administrator Production and Marketing Administration.

[F. R. Doc. 48-9909; Filed, Nov. 10, 1948; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 987—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 987.301 *Limitation of shipments—*
(a) *Findings.* (1) Pursuant to Marketing Agreement No. 108 and Order No. 87 (13 F. R. 5549) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the State of Maine Potato Committee established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) volume shipments of Irish potatoes grown in the State of Maine have already begun, (ii) the limitation of shipments of such potatoes pursuant hereto must be made effective on the date hereinafter set forth to effectuate the declared policy of the act, (iii) the marketing agreement and order did not become effective until September 27, 1948, and the information with respect to the supply of and demand for Irish potatoes indicating the necessity for the limitation hereinafter set forth did not become available until October 28, 1948, and the recommendations of the State of Maine Potato Committee, based upon such information, pursuant to the aforesaid marketing agreement and order, could not, therefore, be made until October 29, 1948, (iv) information regarding the recommendations of the committee has been disseminated to producers and handlers of Irish potatoes grown in the State of Maine and the limitation hereinafter set forth is identical with the recommended limitation, (v) compliance with such limitation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof, and (vi) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning 12:01 a. m., e. s. t., November 15, 1948, and ending 11:59 p. m., e. s. t., June 30, 1949, no handler shall ship any table stock potatoes of the Bliss Triumph variety unless such potatoes meet the requirements of U. S. No. 1 or better grade, 1 7/8 inches minimum diameter, as such grade and size are defined in the U. S. Standards for Potatoes, including the tolerances set forth therein; and no handler shall ship any table stock potatoes of a variety or varieties of potatoes, other than the Bliss Triumph variety, unless such potatoes meet the requirements of U. S. No. 1 or better grade and are not less than 2 1/4 inches nor more than 4 inches in diameter, as such grades and sizes are defined in the U. S. Standards for Potatoes including the tolerances set forth therein; *Provided*, That, the aforesaid limitation shall not be applicable to shipments of potatoes for export; shipments of potatoes purchased by the Commodity Credit Corporation under the price support program for distribution by the Federal Government; shipments of potatoes for distribution by relief agencies or for consumption by charita-

ble institutions; shipments of potatoes for the purpose of having such potatoes manufactured or converted into non-food products or for canning; shipments of potatoes for livestock feed; and shipments of seed potatoes, except that the State of Maine Potato Committee may prescribe adequate safeguards applicable to the aforesaid unlimited shipments as provided by § 987.6 (c) of Order No. 87.

(2) The terms used in this section shall have the same meaning as when used in Order No. 87. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 48-9970; Filed, Nov. 10, 1948; 11:09 a. m.]

TITLE 10—ARMY

Chapter VI—Organized Reserves

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For the transfer and revision of the regulations in this chapter, see Title 34, Chapter V, Parts 561, 562, and 564, *infra*.

Chapter VIII—Supplies and Equipment

PART 818—VETERINARY INSPECTION

PART 820—PROCUREMENT OF HORSES AND MULES

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For the revision and transfer of Parts 818 and 820, see Title 34, Chapter V, Parts 608 and 610, *infra*.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Incl. Commodity Exchange Commission), Department of Agriculture

PART 140—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE COMMODITY EXCHANGE AUTHORITY

PART 149—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE COMMODITY EXCHANGE COMMISSION

DISCONTINUANCE OF CODIFICATION

The codification of Part 140 of this chapter, entitled "Organization, Functions and Procedure of the Commodity Exchange Authority" and of Part 149 of this chapter, entitled "Organization, Functions and Procedure of the Commodity Exchange Commission", is hereby discontinued.

Such material will appear in digest form in the United States Government Organization Manual. Future amendments to descriptions of the organization and functions of the Commodity Ex-

change Authority or the Commodity Exchange Commission will be classified as notices and will be published under that heading in the FEDERAL REGISTER.

[SEAL] J. M. MEHL,
*Administrator,
Commodity Exchange Authority.*

NOVEMBER 8, 1948.

[F. R. Doc. 48-9883; Filed, Nov. 10, 1948; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 211—STATE GUARD REGULATIONS

REVOCATION OF PART

Part 211, including §§ 211.1 through 211.11, is hereby revoked.

(R. S. 161, 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
*Major General,
The Adjutant General.*

[F. R. Doc. 48-9891; Filed, Nov. 10, 1948; 8:45 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter E—Organized Reserves

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter VI, Title 10, is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter E, Parts 561, 562, and 564, as follows:

Part

- 561 Officers' Reserve Corps.
- 562 Reserve Officers' Training Corps.
- 564 Enlisted Reserve Corps.

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENTS

- Sec. 561.1 General.
- 561.2 Appointments.
- 561.3 Sections of the Officers' Reserve Corps.
- 561.4 Physical examination.
- 561.5 Annual physical examination of officers.
- 561.6 Length of appointment.
- 561.7 Appointments or enlistments not made from certain classes.
- 561.8 Action by The Adjutant General.
- 561.9 Age-in-grade and service-in-grade.
- 561.10 Appointment of professional and technical experts or specialists in Officers' Reserve Corps.

GENERAL OFFICERS

- 561.15 Appointment.
- 561.16 Promotion to Major General.
- 561.17 Qualifications.
- 561.18 Reappointment.
- 561.19 Examining boards.
- 561.20 Examination.
- 561.21 Assignment.
- 561.22 Transfer to Honorary Reserve.

AUTHORITY: §§ 501.1 to 501.22 issued under R. S. 161, sec. 37, 39 Stat. 163, 40 Stat. 73, sec. 32, 41 Stat. 775, sec. 2, 42 Stat. 1033, 48 Stat. 154, sec. 3, 48 Stat. 939; 5 U. S. C. 22, 10 U. S. C. 352, 353.

DERIVATION: WD Cir. 350, 1946; DA Cir. 210, 1948; WD Cir. 139, 1947.

APPOINTMENTS

§ 561.1 *General.* Whenever the term "Organized Reserve Corps" appears in this part, it includes the personnel and units of the Officers' Reserve Corps, the Enlisted Reserve Corps, and the Organized Reserves as provided for in the National Defense Act of 1916, as amended.

§ 561.2 *Appointments.* (a) All persons appointed officers in the Organized Reserve Corps will be commissioned in the Army of the United States under the authority contained in section 37 of the National Defense Act.

(b) At the time of issuance of orders for relief from active duty all officers in the Army of the United States except officers of the Regular Army, active or retired, will be offered appointments in the Officers' Reserve Corps for an initial period of 5 years in the highest grade held at the time of relief from active duty subject to the following provisions:

(1) All male commissioned officers of the Army of the United States except active or retired Regular Army officers, who have not attained their sixtieth birthday, found physically qualified for general service, limited service, or general service with waiver, who have served honorably, and who have not been separated for unsatisfactory service, are eligible for appointment with the following exceptions:

(i) Commissioned officers of the National Guard of the United States who do not hold a higher temporary grade in the Army of the United States.

(ii) Commissioned officers of the Officers' Reserve Corps who do not hold a higher temporary grade in the Army of the United States.

(2) Officers who are eligible for promotion to the next higher grade and who are promoted in the Army of the United States, are thereby removed from the above categories (subparagraph (1) (i) and (ii) of this paragraph) and are eligible for appointment in the higher grade.

(3) Officers eligible for appointment in the Officers' Reserve Corps under the provisions stated in this section, who have not accepted or who do not accept appointment at the time of relief from active duty may apply to The Adjutant General for appointment: *Provided*, Such applications are made prior to July 1, 1947, or within 6 months from date of relief from active duty, whichever is later.

(4) Officers listed in subparagraph (1) (i) and (ii) of this paragraph will be commissioned in the Officers' Reserve Corps at any time after completion of terminal leave and within the time limits specified in subparagraph (3) of this paragraph upon application to The Adjutant General for such appointment.

§ 561.3 *Sections of the Officers' Reserve Corps.* Sections of the Active Reserve to which officers shall be appointed by The Adjutant General, and the staff divisions allotted supervision of these sections at Department of the Army level are:

Section	Abbreviation	Supervision	Section	Abbreviation	Supervision
(a) Adjutant General's Department Reserve.	AGD-Res.....	The Adjutant General.	(m) Medical Department Reserve:		
(b) Armored-Cavalry Reserve.....	Armd-Cav-Res.....	Director of Personnel and Administration, General Staff, United States Army.	(1) Army Nurse Corps Reserve.	ANO-Res.....	The Surgeon General.
(c) Army Security Reserve.....	AS-Res.....	Director of Intelligence, General Staff, United States Army.	(2) Dental Corps Reserve.....	DC-Res.....	Do.
(d) Chaplains Reserve.....	Ch-Res.....	Chief of Chaplains.	(3) Medical Corps Reserve.....	MC-Res.....	The Surgeon General.
(e) Chemical Corps Reserve.....	Cml C-Res.....	Chief, Chemical Corps.	(4) Medical Service Corps Reserve.	MSC-Res.....	Do.
(f) Coast Artillery Corps Reserve.	CAC-Res.....	Director of Personnel and Administration, General Staff, United States Army.	(5) Veterinary Corps Reserve.	VO-Res.....	Do.
(g) Corps of Engineers Reserve.....	CE-Res.....	Chief of Engineers.	(6) Women's Medical Specialist Corps Reserve.	WMSO-Res.....	Do.
(h) Corps of Military Police Reserve.	CMP-Res.....	Provost Marshal General.	(n) Military Intelligence Reserve.	MI-Res.....	Director of Intelligence, General Staff, United States Army.
(i) Field Artillery Reserve.....	FA-Res.....	Director of Personnel and Administration, General Staff, United States Army.	(o) Ordnance Department Reserve.	Ord-Rept-Res...	Chief of Ordnance.
(j) Finance Department Reserve.	FD-Res.....	Chief of Finance.	(p) Quartermaster Corps Reserve.	QMC-Res.....	The Quartermaster General.
(k) Infantry Reserve.....	Inf-Res.....	Director of Personnel and Administration, General Staff, United States Army.	(q) Signal Corps Reserve.....	SigC-Res.....	Chief Signal Officer.
(l) Judge Advocate General's Department Reserve.	JAGD-Res.....	The Judge Advocate General.	(r) Staff and Administrative Reserve.	SA-Res.....	The Adjutant General.
			(s) Transportation Corps Reserve.	TC-Res.....	Chief of Transportation.
			(t) Women's Army Corps Reserve.	WAC-Res.....	Director of Women's Army Corps.

§ 561.4 *Physical examination.* Approved Department of the Army policies relating to the postwar Organized Reserve Corps provide that the physical standards for officers and enlisted men of the Organized Reserve Corps will be those prescribed in current Army Regulations and Department of the Army directives. Waivers of physical defects will be authorized only to the extent prescribed for the Regular Army.

§ 561.5 *Annual physical examination of officers—(a) Annual physical examination.* An examination of a type and scope as prescribed in current Department of the Army letters of instruction will be made on all officers in the active Reserve.

(b) *By whom made.* The physical examination for officers of the Organized Reserve Corps will be made by a board composed of an equal number of medical officers of the Regular Army and reserve components designated by the major command having administrative jurisdiction.

§ 561.6 *Length of appointment.* Appointments in every case will be for a period of 5 years, but an appointment in force at the outbreak of war or made in war-time will continue in force until 6 months after the termination of the war, should the 5-year period covered by the appointment terminate prior to that time.

§ 561.7 *Appointments or enlistments not made from certain classes.* No person in any of the following categories will be appointed or enlisted in the Organized Reserve Corps, and any member thereof who accepts appointment in any of those categories will be separated from the Organized Reserve Corps:

(a) Commissioned officers of the Regular Army.

(b) Cadets, United States Military Academy.

(c) Midshipmen, United States Naval Academy, and cadets, United States Coast Guard Academy.

(d) Persons on either the active or the reserve list of the Navy, Marine Corps, National Guard, National Guard of the United States, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

§ 561.8 *Action by The Adjutant General.* Upon receipt of the report of the examining board approved by the major command recommending appointment; assignment to the Inactive Reserve from the Active Reserve; reassignment to the Active Reserve; or separation from the Organized Reserve Corps, The Adjutant General will accomplish the appointment or take other appropriate action.

§ 561.9 *Age-in-grade and service-in-grade—(a) General.* A mandatory age-in-grade, and a length of service-in-grade provision, as prescribed by the Department of the Army, will be adopted, insuring appropriate age for the actual assignment of every officer. Exceptions to this policy in the case of officers with wartime service will be given due consideration.

(b) *Interim policy, maximum, age-in-grade.* (1) During such period as may be required to reorganize the reserve components, and in any event not to extend beyond 1 January 1951, the assignment of all officers of the Organized Reserve Corps will be limited by those ages set forth below. Assignment will be terminated upon reaching the following birthdays:

Assignment	2d Lt	1st Lt	Capt	Major	Lt Col	Col
Air Force units and qualified Air Reserve Officers necessary for balanced Air Reserve Force.....	31	36	41	44	47	49
All other Air Reserve Officers.....	36	41	46	49	52	54
Army Ground Forces (including AGF service troops).....	30	35	42	47	52	55
All others in the Organized Reserve Corps.....	40	43	46	51	55	60

(2) No candidate will be given an assignment, who is less than 21 or more than 60 years old; nor, except for the Air Force, unless his age is such that he can serve at least 1 year before assignment would be terminated by the age limitation for each grade as set forth above. For the Air Force no candidate for assignment to a unit as second lieutenant shall be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45.

(c) *Transfer upon retirement.* All officers of the Active Reserve will, upon reaching the statutory retirement age, be transferred to the Honorary Reserve.

§ 561.10 *Appointment of professional and technical experts or specialists in Officers' Reserve Corps—(a) Purpose.* It is the policy of the Department of the Army to appoint in the Officers' Reserve Corps persons possessing either professional or technical qualifications which are critically essential and immediately adaptable to the needs of the Army and for whom suitable assignments exist. In order to provide a continuing source of officers possessing specialties in which it is not feasible or economical for the Army to give training, this section establishes the qualifications and outlines the procedures for the commissioning of such specialists in appropriate grades in the Officers' Reserve Corps. Individuals, without prior military service, appointed under the provisions of this section will be required to meet, within a reasonable length of time, the minimum military training requirements established to maintain a commission in the grade and section in which appointed, and in their mobilization assignment.

(b) *Eligibility.* Persons applying for appointment under the provisions of this section must meet the following requirements:

(1) *Age.* (i) Applicants must be at least 21 years of age for initial appointment in the Officers' Reserve Corps.

(ii) Applicants must not have reached the birthday anniversary indicated below, at the time of receipt of initial application by The Adjutant General in the case of applicants for a section of the Medical Department Reserve, other than the Medical Service Corps Reserve, and by the commander designated to receive applications in the case of applicants for other sections of the Officers' Reserve Corps:

	Years
Second lieutenant.....	30
First lieutenant.....	33
Captain.....	37
Major.....	45
Lieutenant Colonel.....	51
Colonel.....	55

(iii) Waivers of age-in-grade limitations will not be granted except in the case of individuals whose services are

desired in an affiliated unit. In such cases, and where there is no other qualified individual available, The Adjutant General will consider the granting of a waiver for age up to the following maximum age-in-grade limitations on the date of receipt of initial application: second lieutenant, 38 years; first lieutenant, 41 years; captain, 44 years; major, 49 years; lieutenant colonel, 53 years; and colonel, 58 years.

(2) *Sex.* Only female applicants are eligible for appointment in the Army Nurse Corps Reserve and Women's Medical Specialists Corps Reserve, and only male applicants are eligible for appointment in the other sections of the Officers' Reserve Corps. Provisions for other female specialists may be provided for at a later date.

(3) *Citizenship.* Each applicant must be a citizen of the United States. Applicants who are not citizens of the United States by birth must provide evidence of citizenship. In the case of United States citizenship by naturalization, this will be in the form of a certificate by an officer in the active military service, or by a notary public, as follows:

I certify that I have this date seen the original certificate of citizenship, Number _____, (or certified copy of the court order establishing citizenship) stating that _____ was admitted to

(Name)
United States citizenship by the Court of _____ at _____ on _____

(City and State) (Date)
The following was named in the certificate as a minor child: _____ (Name)
Age _____

Under no circumstances will facsimiles or copies, photographic or otherwise, of naturalization certificates be made.

(4) *Mental requirement.* Each applicant, except those shown below, must have obtained a score of 110 or higher in the Army General Classification Test (AGCT). College graduates and applicants for appointment in the Medical Department Reserve, less Medical Service Corps Reserve, are exempt from this requirement. Applicants who fail to obtain a score of 110 or higher will not be permitted to continue with the processing.

(5) *Minimum educational requirement.* Each applicant who applies for a specialty, which does not specifically require a college degree, must be at least a graduate of high school or of an accredited preparatory school of equal educational level. Applicants who do not meet the foregoing educational requirements may qualify by passing or having passed the General Educational Development Test (high school level or higher) of the United States Armed Forces Institute. Information on this test may be obtained from the Commandant, United States Armed Forces Institute, Madison 3, Wisconsin, the troop information and education office of any installation, veterans' guidance centers, and in many areas from the State school authorities. It will not be necessary for an applicant to procure high school accreditation from the State in which he resides after passing the aforementioned test. (No waivers of this educational requirement will be granted.)

(6) *Professional or technical and special educational requirements.*—(1) *Minimum requirements.* Determination of the grade in which an applicant is to be commissioned is the function of the examining board interviewing the applicant, subject to final approval of The Adjutant General. The grade will be based on the total number of years of qualifying college education and/or experience according to the following scale of minimum requirements for each grade:

Officer grade:	Qualifying college education and/or experience (years)
Second Lieutenant.....	4
First Lieutenant.....	7
Captain.....	11
Major.....	16
Lieutenant colonel.....	21
Colonel.....	26

(ii) *Sections presently limiting grades.* All concerned are advised that, until further notice, appointments in the grades of major through colonel in the Army Security Reserve and Military Intelligence Reserve sections will not be made, except under unusual circumstances, due to a lack of vacancies in these sections for field grade officers. Those considering applying for field grade appointments in these sections will be governed accordingly.

(iii) *Qualifying education.* Qualifying education means at least a bachelor's degree, awarded by an accredited college or university, and involving the specific degrees or subject matter for each specialty. Qualifying educational training for these specialties will be uniformly credited as follows, with the exceptions as noted. A qualifying bachelor's degree, or certification as a registered nurse, counts as 4 years of the educational-and-experience requirement, regardless of the length of time in which it was acquired. (The Bachelor of Laws Degree, however, will count as 7 years, since it is generally a 3-year course imposed upon a 4-year bachelor's degree prerequisite.) A qualifying master's degree, with its prerequisite undergraduate studies or degree, counts as 5 years of the education-and-experience requirement. A qualifying doctor's degree with its prerequisites counts as 7 years of the requirements. (The Doctor of Medicine Degree including internship counts as 8 years, and the Doctor of Veterinary Medicine Degree counts as 6 years of the total requirements.) At the discretion of the examining board and The Adjutant General, each year of approximately 30 semester credit hours of qualifying graduate study (either leading to an advanced degree, or study beyond the doctorate) may be counted as a year of the total requirement, even though a degree was not obtained.

(iv) *Qualifying experience.* Qualifying experience includes both military and civilian work with a workweek of at least 39 hours, or its time equivalent in part-time employment.

(v) *Ecclesiastical indorsement for appointment into the Chaplain Reserve.* Applicants for appointment into the Chaplain Reserve must present an ecclesiastical indorsement certifying that the applicant is accredited by and in

good standing in a recognized religious denomination or organization.

(7) *Moral requirement.* Each applicant must be possessed of high moral character and personal qualifications.

(8) *Physical qualifications.* Each applicant must be physically qualified under the provisions of Army Regulations.

(i) A final type physical examination, less (except when otherwise indicated) chest X-ray, electrocardiogram, audiometer reading, blood serology, lens correction, and microscopic urinalysis, and less pelvic examination for female personnel, will be required. The Report of Physical Examination (W. D., A. G. O. Form 63) may be accomplished and signed by a medical officer of any component of the armed forces of the United States whether he is on active or inactive duty status. In the absence of such medical officer, W. D., A. G. O. Form 63 may be accomplished and signed by any reputable doctor of medicine, without expense to the Government. Only one copy of report of physical examination is required.

(ii) Where the applicant possesses physical defects which fall below the specific physical requirements for military service as outlined in Army Regulations for Reserve appointment, army and oversea commanders are authorized to grant waivers for those physical defects which; in their opinion:

(a) Are static in nature.

(b) Are not subject to complications or aggravation by reason of military duty.

(c) Will not interfere with the satisfactory performance of full military duty.

(d) Will not necessitate hospitalization or time-loss from duty.

(9) *Security checks.* Each applicant for appointment in the Military Intelligence Reserve must be screened appropriately for security by area commanders, and each applicant for appointment in the Army Security Reserve must be cleared by area commanders for cryptographic duties in accordance with Army Regulations. Such security checks of applicants for other sections, as may be required or deemed desirable, are within the purview of the area commanders.

(c) *Ineligibles.* The following persons are not eligible for appointment and their applications will not be accepted.

(1) Those who are presently conscientious objectors. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to the United States; and, where appropriate, he must have demonstrated that he has changed his views by subsequent military service.

(2) Those who have a record of conviction by any type of military or civil court for other than a minor traffic violation. The Adjutant General (Attn: AGPR-A), may be requested to grant a waiver in the case of other minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. No requests for waivers of convictions involving

moral turpitude or conviction of a felony will be considered.

(3) Those who have been separated from the service:

(i) Under other than honorable conditions.

(ii) For unsatisfactory service.

(iii) By reason of resignation in lieu of court martial or reclassification.

(iv) As a result of court martial or reclassification.

(4) Officers of the Regular Army, United States Air Force, Navy, Marine Corps, or Coast Guard, active or retired.

(d) *Physical examination.* A completed W D., A. G. O. Form 63 must accompany each application. All Army personnel and installations involved in conducting physical examinations will give any individual who requests a physical examination, for the purpose of applying for an Officers' Reserve Corps appointment, such an examination without requiring any written authorization, and will forward the completed report of physical examination direct to the individual concerned with the least practicable delay.

(e) *Application and allied papers.* The following documents, properly completed, constitute the application and allied papers. Interested individuals may obtain blank forms at any installation, recruiting office, National Guard or Reserve unit, military district headquarters, reserve instructor's office, or by writing to the army commander having jurisdiction over the area in which they reside. In assembling the application prior to forwarding, the applicable requirements listed below will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which will result from the return of incomplete applications.

(1) W D., A. G. O. Form 170 (Application for Appointment and Statement of Preferences for Reserve Officers) in quadruplicate.

(i) The branch for which application is being made will be indicated in the block labeled "Section" on the second line of the application form.

(ii) Plain sheets of paper, attached to the application, may be used for inclusion of additional information for which there is insufficient room on the application form.

(iii) The remarks section, item 34, will contain the following statements by the applicant:

(a) "I am not a conscientious objector"; "I am not (am) now and have not (have) been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of Government of the United States by unconstitutional means"; and "This application is made under the provisions of Circular 210, Department of the Army, 1948, paragraph(s) _____ as a _____ specialist." (List all the paragraph numbers and titles of the specialties for which you believe yourself qualified and for which you wish to be considered.)

(b) In addition to the above statements, applicants, for any section of the Medical Department Reserve, will in-

clude a statement that "I do (do not) desire immediate extended active duty."

(iv) Instructions 2, 3, and 4 on the application form are not applicable.

(2) W D., A. G. O. Form 643A, (Personal History Statement) in duplicate. In addition to the completion of this form, applicants will furnish on a plain sheet of paper, attached to the original copy, the following additional information pertaining to each position listed under question 34, employment:

(i) Name of employer.

(ii) Dates of employment (month, year)

(iii) Kind of business (e. g. construction, wholesale wool, mfg. of turbines, etc.)

(iv) Salary or earnings (starting, final, or present)

(v) Description of work performed.

(vi) Number and kind of employees supervised.

(3) W D., A. G. O. Form 63 (Report of Physical Examination) one copy only.

(4) Documentary evidence of educational level and professional or technical background (photostatic or true copies acceptable) Applicants for appointment in the Judge Advocate General's Department Reserve, Medical Service Corps Reserve, and the Women's Medical Specialist Corps Reserve will furnish transcript of grades received in graduate and/or post-graduate schools or universities.

(5) Photostatic copies of all discharge certificates or certificates of service (where applicable)

(6) A recent photograph of the applicant, head and shoulders type, not less than 4 by 5 inches, if applying for a section of the Medical Department Reserve, less Army Medical Service Corps Reserve.

(7) Evidence of internship in the form of a certificate from a medical institution will be furnished by applicants for appointment in the dietitian subsection of the Women's Medical Specialist Corps Reserve.

(8) WD AGO Form R-5522 to be completed in triplicate by female applicants only.

(9) A certificate, signed by an official of the cognizant service authorized to accept resignations or approve discharges, that the applicant, if a member of the National Guard or the United States Air Force, Navy, Marine Corps, or Coast Guard Reserves, will be separated from his current status if tendered an appointment in the Officers' Reserve Corps.

(10) Ecclesiastical indorsement, if applying for the Chaplain Reserve.

(11) Certificate of admittance to practice law before a specific court and affidavit of legal experience, if applying for the Judge Advocate General's Department Reserve.

(f) *Forwarding application.* Applications and allied papers will be forwarded as follows:

(1) By applicants for appointment in the Medical Department Reserve, less Medical Service Corps Reserve, direct to The Adjutant General, Attention: AGPR-A, Washington 25, D. C.

(2) By applicants for appointment in all other sections of the Reserve, includ-

ing the Medical Service Corps Reserve, to the commander, in the area in which they reside, designated to receive such applications. The address of such commander, may be obtained by contacting the nearest Organized Reserve Corps Headquarters or by writing to the commander having jurisdiction over the area in which the applicant resides.

(g) *Notification of appointment or rejection.* Each applicant will be notified by The Adjutant General, through the area commander, of his appointment or rejection for appointment.

(h) *Eligibility of nonselected applicants to reapply.* Applicants who are not selected by The Adjutant General for appointment are not eligible to reapply until the expiration of a period of 1 year, and only then if the applicant has completed additional training or study in his field of specialization.

GENERAL OFFICERS

§ 561.15 *Appointment—(a) Appointment of officers who served in Army of United States as general officers.* Officers who have served on active duty in the Army of the United States for a period of at least 6 months subsequent to December 7, 1941 (including those now on active duty) and who, during that period, held the grade of general officer, may be recommended for appointment, as general officers in the active reserve in the highest grade held satisfactorily during that period, provided they meet the moral, physical, and age requirements. Applications for appointment may be submitted by letter to The Adjutant General (Attn. AGPR-P) Washington 25, D. C. Those who are otherwise qualified as indicated above, but do not meet the physical or age requirements may apply for appointment in the Honorary Reserve only.

(b) *Appointment of brigadier generals and major generals from among those officers who did not hold the grade of general officer during World War II.* Officers who have served on active duty for at least 6 months subsequent to December 7, 1941 and who did not hold the grade of general officer during that period, and who meet the requirements in § 561.17 may, after appearance before a board of officers be recommended for appointment as brigadier general or major general in the active reserve to fill existing position vacancies in Reserve units or in staff positions.

§ 561.16 *Promotion to Major General.* Promotion to the grade of major general will be made from those who have served as brigadier generals of the Officers' Reserve Corps for at least 1 year.

§ 561.17 *Qualifications.* Officers must meet the following qualifications for appointment in the active reserve.

(a) *Age.* At the time of appointment a candidate for the grade of brigadier general or major general must have at least 1 year to serve before he reaches the statutory age prescribed for the retirement of Regular Army officers of that grade.

(b) *Physical.* Physical requirements for appointment or promotion of general officers will be those prescribed in AR 40-100 and AR 40-105 (Army Regu-

lations relative to Physical Examinations).

(c) *Professional.* Satisfactory demonstration of qualifications by actual service on active duty in the Army of the United States for at least 6 months subsequent to December 7, 1941 in the grade and position contemplated, or by the satisfactory discharge of duties of corresponding and equal responsibility.

§ 561.18 *Reappointment.* Upon expiration of the 5-year period of his appointment, a general officer occupying an authorized position vacancy in a Reserve unit or in a staff position will, provided he meets the moral, age, and physical requirements be recommended for reappointment in the active reserve for an additional 5-year period. Recommendations by the commanding general of the appropriate major force concerning reappointment will be submitted in time to reach The Adjutant General not less than 90 days prior to expiration of appointment.

§ 561.19 *Examining boards.* Candidates for appointment as general officers for assignment in the active reserve, or for promotion to a higher grade will be examined by a board of officers appointed by the commanding general of the major force or major command to determine their general fitness.

§ 561.20 *Examination—(a) Examination by the board.* The board will thoroughly investigate into the candidates' professional (military knowledge), moral, and physical qualifications and carefully weight the evidence as to his suitability for the appointment, promotion, and assignment for which he is being considered.

(b) *Physical examination.* A final type physical examination will be given.

(c) *Inquiry into moral character.* The board will inquire into the moral character of the candidate. He will be carefully questioned and may be required to submit in writing such information as the board may desire. The board is authorized to seek verification of the candidate's statements or additional information from reliable sources. The candidate will be informed of any unfavorable statements of fact relative to his moral character and will be given an opportunity to refute or explain such statements.

(d) *Professional examination.* The professional examination will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may deem necessary.

(e) *Reexamination.* A candidate who has been found disqualified for other than moral reasons may apply for reexamination after a period of 1 year from the prior examination.

§ 561.21 *Assignment.* The assignment of all general officers in the active reserve will be made by The Adjutant General, upon recommendation of the commanding general of the major force or chief of administrative or technical service concerned.

§ 561.22 *Transfer to Honorary Reserve.* A general officer whose service

has been honorable will be transferred to the Honorary Reserve when:

(a) He reaches the statutory retirement age prescribed for officers of the Regular Army.

(b) He is found physically disqualified, other than through his own misconduct, and applies for such transfer.

(c) He has completed a total of 20 years' service in any component of the Army of the United States, and applies for such transfer.

PART 562—RESERVE OFFICERS' TRAINING CORPS

ADMINISTRATION AND TRAINING

Sec.	
562.1	Objects.
562.2	Educational value.
562.3	Organization of the Reserve Officers' Training Corps.
562.4	Department of military science and tactics.
562.5	Divisions.
562.6	Conditions for establishment of units.
562.7	Senior and junior divisions at the same collegiate institution.
562.8	Application for establishment.
562.9	Withdrawal of authority for establishment of a unit.
562.10	Land-grant institutions.
562.11	Supervision.
562.12	Control.
562.13	Status of officers on Reserve Officers' Training Corps duty.
562.14	Channels of communication.
562.15	Eligibility to membership.
562.16	Physical requirements.
562.17	Training of students ineligible for enrollment.
562.18	Membership in the National Guard.
562.19	Members of faculty.
562.20	Discharge and withdrawal of members.
562.21	Credit for Reserve Officers' Training Corps training.
562.22	Training, senior division.
562.23	Training, junior division.
562.24	Selection of honor military schools.
562.25	Selection of honor high schools.
562.26	Distinguished military student.
562.27	Distinguished military graduates.
562.28	Honor graduates of honor military schools.
562.29	Honor graduates of class MI institutions.
562.30	Uniforms and insignia.
562.31	Honor graduates of honor military schools as candidates for the United States Military Academy.
562.32	Appointment from the senior division.
562.34	Appointment in the Regular Army.
562.35	Form of application for establishment of Reserve Officers' Training Corps units (senior or junior).
562.36	Statement. (To be attached to application for a Reserve Officers' Training Corps unit.)

TRAINING CAMPS

562.58	Supervision and command.
562.59	Number, type, and location of camps.
562.60	Designation.
562.61	Time and duration.
562.62	Attendance.
562.63	Camps for units at MI, MS, and CS institutions.
562.64	Deferred attendance.
562.65	Attendance at camp of arm or service other than that in which enrolled.
562.66	Absence from camp.
562.67	Dismissal and withdrawal from camp.
562.68	Transportation.
562.69	Pay.

ADMINISTRATION AND TRAINING

AUTHORITY: §§ 562.1 to 562.36 issued under 39 Stat. 191, 162, 833; 41 Stat. 776-778; 10 U. S. C. 354, 381-383.

DERIVATION: AR 145-10, May 23, 1931.

§ 562.1 *Objects.* The general object of the courses of instruction of the Reserve Officers' Training Corps is to qualify students for positions of leadership in time of national emergency. The Reserve Officers' Training Corps is primarily an agency for the production of Reserve officers for those arms which are restricted as to their sources of production by the provisions of section 37, National Defense Act, as amended (43 Stat. 154, 339; 10 U. S. C. 351-353). In conjunction with the other agencies named in that section, the Reserve Officers' Training Corps should produce the number of Reserve officers required for those arms in the initial periods of a general mobilization. Students trained in the Reserve Officers' Training Corps who do not pursue to completion the courses required for qualification for a reserve commission are nevertheless entitled to advanced standing in the Citizens' Military Training Camp courses through which they may complete their qualification. Those who do not qualify for commission by any of the means available in time of peace have received military training which will be of value to the Nation in an emergency.

§ 562.2 *Educational value.* The Reserve Officers' Training Corps affords to institutions a means for practical training in organization leadership and discipline which will be of value to their graduated students in an industrial or professional career. The theoretical courses have a content of general educational value.

§ 562.3 *Organization of the Reserve Officers' Training Corps.* The Reserve Officers' Training Corps consists of the training units of the several arms and services established in civil educational institutions. Units are established in accordance with the provisions of the National Defense Act and as provided in the regulations in this part.

§ 562.4 *Department of military science and tactics.* Instruction given at an institution in accordance with programs prescribed by the Department of the Army will be conducted or supervised by a department of military science and tactics, which shall include all Reserve Officers' Training Corps units at the institution.

§ 562.5 *Divisions.* The Reserve Officers' Training Corps is organized into two divisions.

(a) *Senior division.* The senior division consists of such units of the several arms and services as may be organized at approved colleges and universities granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics under the Act of Congress, approved July 2, 1862 (12 Stat. 503; 7 U. S. C. 301-308) and those essentially military schools, not conferring academic degrees, specially designated by the Secretary of the Army as qualified. In-

stitutions at which senior division units are, or shall be, established are classified as follows:

(1) *Class MC.* Military colleges and universities which grant degrees, which graduate students at an average age of not less than 21 years, which require all students to pursue military training throughout the course and to be habitually in uniform, which constantly maintain military discipline, and which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(2) *Class CC.* Civil colleges and universities which are not essentially military, but which grant degrees and graduate students at an average age of not less than 21 years.

(3) *Class MI.* Essentially military schools, specially designated by the Secretary of the Army as in Class MI, which do not confer academic degrees and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of Class MC and accept and maintain the course of instruction prescribed in the Department of the Army program of instruction for senior division units.

(b) *Junior division.* The junior division consists of such units as may be organized at approved public or private educational institutions which do not meet the requirements of a senior division class. Institutions at which junior division units are, or shall be, established are classified as follows:

(1) *Class MS.* Essentially military schools, which are not specially designated by the Secretary of the Army as in Class MI, at which the curriculum is not sufficiently advanced to carry with it a degree and the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of Class MC and accept and maintain the course of instruction prescribed in the Department of the Army program of instruction for junior division units at essentially military schools.

(2) *Class CS.* High schools and other educational institutions which do not meet the requirements of any of the classes mentioned above.

§ 562.6 *Conditions for establishment of units.* (a) Before an Infantry, Cavalry, Field Artillery, or Coast Artillery unit of the senior division of the Reserve Officers' Training Corps may be established at an institution, there must be insured to the unit an enrollment of at least 100 physically fit male students who are citizens of the United States and not less than 14 years of age. The minimum enrollment required for other senior units is 50 students.

(b) Before a unit of the junior division may be established at an institution, there must be insured to the unit an enrollment of at least 100 physically fit male students who are citizens of the United States and not less than 14 years of age.

(c) No unit of the Reserve Officers' Training Corps will be established at an institution until the institutional authorities agree to the requirements specified in the form for application, and no such

unit will be maintained at any institution the authorities of which fail or neglect to comply with these requirements or to adopt into the institutional curriculum the courses of military training prescribed by the Secretary of the Army.

(d) No unit of the Reserve Officers' Training Corps will be established or maintained at an institution until and unless an officer of the Regular Army is detailed as professor of military science and tactics thereat.

§ 562.7 *Senior and junior divisions at the same collegiate institution.* When an institution of collegiate grade maintains a secondary or preparatory department, both divisions may be authorized. When both divisions have been authorized the prescribed minimum enrollment must be maintained in the units of each division. The enrollment of members of the preparatory department in units of the senior division is prohibited.

§ 562.8 *Application for establishment.* An educational institution desiring to have established thereat one or more units of the Reserve Officers' Training Corps will make application upon the prescribed form to the commanding general of the Army area in which the institution is situated. (See §§ 562.35, 562.36.)

The Army area commander will forward the application submitted by any institution for the establishment of a Reserve Officers' Training Corps unit to the Department of the Army by letter which shall set forth his recommendation for action on the application, or in case his information is insufficient to permit him to act on the application, his recommendation that he be authorized to designate an officer to visit and inspect the institution. Upon approval of this recommendation, and after the completion of such inspection, the inspecting officer will report to the Army area commander whether or not the institution fulfills the requirements of law and regulations governing the establishment of units and will recommend specifically whether the unit should or not be established. The report of inspection in each case will be forwarded to The Adjutant General by the Army area commander with his recommendations.

§ 562.9 *Withdrawal of authority for establishment of a unit.* (a) An institution desiring to withdraw from the Reserve Officers' Training Corps will so state in writing to the Army area commander at least three months prior to the date the withdrawal is to take effect. The Department of the Army may, upon the recommendation of the Army area commander, withdraw authority for the establishment of any unit should it be considered that its work as part of the Reserve Officers' Training Corps is not compatible with the objects for which the corps is established. At any time that the enrollment in a unit falls below the minimum enrollment required by law, or whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the professor of military science and tactics a unit should be withdrawn for any other reason, the professor of military science

and tactics will make report in writing to the Army area commander, through the head of the institution, including therein the following information: (1) Attitude of the authorities of the institution regarding the failure to meet the requirements of law and regulations respecting enrollment. (2) Attitude of the faculty of the institution toward the Reserve Officers' Training Corps. (3) Attitude of the student body toward the Reserve Officers' Training Corps. (4) A statement of the efforts made by the professor of military science and tactics to overcome difficulties and to maintain a successful unit. (5) His recommendation as to the continuance or withdrawal of the unit in question. (6) Any other facts necessary to arrive at a proper understanding of the situation at the institution. (7) If practicable, he will obtain and attach to the report the signed statement of the head of the institution, indorsing thereon his comments and recommendations.

(b) The Army area commander will make such investigation concerning requests or recommendations for withdrawal of units as he may deem necessary and will forward such requests or recommendations together with his recommendations thereon to The Adjutant General.

§ 562.10 *Land-grant institutions.* The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862 (12 Stat. 503; 7 U. S. C. 301-308), are not altered by the National Defense Act, as amended, nor by the regulations in this part.

§ 562.11 *Supervision.* The Department of the Army is the agency of the Federal Government charged by law with the preparation of regulations and instructions carrying into effect the provisions of the National Defense Act and other Federal statutes relating to the Reserve Officers' Training Corps, and the supervision of the execution of the provisions of pertinent law and regulations.

The supervisory powers of the Department of the Army over the Reserve Officers' Training Corps are delegated to Army area commanders in all matters except those which have been expressly reserved to the Department of the Army in these and other regulations of the Department of the Army. Army area commanders are the immediate representatives of the Department of the Army in all relations with educational institutions maintaining Reserve Officers' Training Corps units. They are charged with promoting the development of the Reserve Officers' Training Corps units of their Army areas within the limits of their powers and pursuant to the policies and instructions of the Department of the Army. They will confer with heads of institutions on matters relating to the conduct of units established thereat, and to measures for their increased efficiency. They are responsible that the requirements of law and regulations relating to the Reserve Officers' Training Corps are effectively carried out. They have exclusive control over the establishment and operation of Reserve Officers' Training Corps camps.

§ 562.12 *Control.* The control of the operation of Reserve Officers' Training Corps units at institutions is vested in the institutional authorities. Civilian heads of institutions exercise the same general control over the department of military science and tactics that they ordinarily exercise over other departments of the institution.

§ 562.13 *Status of officers on Reserve Officers' Training Corps duty.* In their strictly military capacity officers on Reserve Officers' Training Corps duty are subordinates of the army area commander and are subject to his orders. Such orders will not infringe upon the province of institutional regulations. In their academic capacity these officers are subject to institutional regulations. The professor of military science and tactics is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the Reserve Officers' Training Corps units maintained by the institution.

§ 562.14 *Channels of communication.* Communications for the Department of the Army relative to the Reserve Officers' Training Corps should be addressed to The Adjutant General and should be forwarded through the Army area commander concerned. Communications from military authorities to institutions which in any way affect the general administration or educational policy of the institution will be addressed to the head of the institution. Direct communication between superior military authorities and professors of military science and tactics will be limited to subjects of a purely military nature. Communications originating in the Department of the Army will be forwarded through the Adjutant General and the Army area commander concerned.

§ 562.15 *Eligibility to membership.* (a) Eligibility to membership in the Reserve Officers' Training Corps is limited to students at institutions in which units of such corps may be established, who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition is such as to meet the physical requirements specified herein.

Enrollments of students who have passed their twenty-sixth birthday will not be made in the Reserve Officers' Training Corps, except that in Medical Corps units students may be enrolled whose requirements for appointment in the Medical Reserve Corps can be fulfilled before attaining the age of thirty-five. No member of the active personnel of the Army, Navy or Marine Corps of the United States, nor any commissioned officer of the National Guard or Naval Militia, nor Reserve officer of the military forces of the United States is eligible for membership in the Reserve Officers' Training Corps, except that a Reserve officer who is also a medical student may be admitted to a Medical Corps unit. Members of the Naval or Marine Corps Reserve are not eligible for membership in the Reserve Officers' Training Corps. The fact that an applicant is a member of the Regular Army Reserve does not

make him ineligible for enrollment providing he is otherwise qualified.

(b) A student holding a certification for appointment as a reserve officer or a student formerly commissioned in the Officers' Reserve Corps will not be enrolled in the Reserve Officers' Training Corps without the express authority of the Army area commander in each case, and then only in a unit of an arm other than that in which he is certified for appointment or was formerly commissioned, as the case may be.

(c) A student will not be enrolled in the Reserve Officers' Training Corps, nor will there be issued to him a Government uniform or commutation therefor, until and unless he meets all the prescribed requirements and has been selected by proper authority to pursue the Reserve Officers' Training Corps course. (See § 562.17.)

§ 562.12 *Physical requirements.* The law regarding physical fitness of applicants for membership in the Reserve Officers' Training Corps requires that students must be "physically fit to perform military duty, or will be so upon arrival at military age" In order that this law may be carried out, each applicant is required to undergo certain physical examinations and to meet certain physical standards, as a prerequisite for enrollment and continuance in the Reserve Officers' Training Corps. Furthermore, each member of a Reserve Officers' Training Corps unit should keep himself physically fit in order that he may meet the physical requirements for commission in the Officers' Reserve Corps upon completion of his training in the Reserve Officers' Training Corps.

§ 562.17 *Training of students ineligible for enrollment.* When desired by institutional authorities, students who are citizens of the United States and who for any reason cannot be enrolled in the Reserve Officers' Training Corps may be permitted to pursue the Reserve Officers' Training Corps course without expense to the Government. Such students will not be included in enrollment reports nor in the enrollment allotment, and cannot be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution.

§ 562.18 *Membership in the National Guard.* Students enrolled in the Reserve Officers' Training Corps are not eligible to continue as members thereof if commissioned in the National Guard. Such students may, however, pursue the course or parts thereof without being regularly enrolled in the Reserve Officers' Training Corps.

A student enrolled in the advanced course will not be discharged from the Reserve Officers' Training Corps prior to graduation therefrom to accept a commission in the National Guard nor be excused from his contracted attendance at a Reserve Officers' Training Corps camp to attend a National Guard camp in lieu thereof.

Members of the Reserve Officers' Training Corps may be enlisted in the National Guard, and while so enlisted may attend National Guard drill and as-

sembly periods, but they will not be excused from any part of the Reserve Officers' Training Corps institutional course, nor from attendance at the required summer camp, to perform National Guard duty or attend National Guard training; there is nothing in this provision, however, to prevent members of the Reserve Officers' Training Corps from attending both Reserve Officers' Training Corps and National Guard camps during the same year, provided such camps come at different periods.

CROSS REFERENCES: For National Guard regulations, see 32 CFR Chapter II.

§ 562.19 *Members of faculty.* With the approval of the authorities of an institution, physically fit members of the faculty or the corps of instructors are authorized to take the courses of training prescribed herein for members of the Reserve Officers' Training Corps. However, it must be understood that participation in these courses does not entitle them to enrollment in the Reserve Officers' Training Corps nor to participation in any Government expenditures therefor. Members of the teaching staff with military experience may be appointed faculty military instructors on the recommendation of the professor of military science and tactics, with the consent of the head of the institution.

§ 562.20 *Discharge and withdrawal of members.* (a) Except in cases involving withdrawal from contract covering payment of commutation of subsistence, the authorities of an institution may, in an exceptional case for sufficient reason upon the recommendation of the professor of military science and tactics discharge a member of the Reserve Officers' Training Corps from such corps and from the necessity of completing the course of military training as a prerequisite for graduation. Cases involving withdrawal from advanced course contracts will be referred to the Army area commander for decision.

(b) Army area commanders are authorized to adjust cases involving the withdrawal of members of the Reserve Officers' Training Corps from, or return to, advanced course contracts upon the merits of the individual cases. Except in cases where withdrawal from the contract is for the convenience of the Government, the student should be required to refund to the Government any sums previously paid to him as commutation of subsistence.

(c) Students who by the end of the first year of the advanced course have not demonstrated proper and sufficient aptitude in the performance of their duties to indicate that their future instruction will qualify them for a commission in the Officers' Reserve Corps, or who fail to complete satisfactorily the camp course of instruction or the second year of the advanced course, or who in the interests of the Government should not be commissioned in the Officers' Reserve Corps, should, with the approval of the Army area commander, be promptly discharged from the Reserve Officers' Training Corps and be permitted, if they have faithfully complied with the provisions of their advanced course con-

tracts, to withdraw from their contracts for the convenience of the Government. Students discharged under the provisions of this paragraph will not be eligible for reenrollment in the Reserve Officers' Training Corps.

(d) The withdrawal of an advanced course student from the institution terminates his obligation to continue the Reserve Officers' Training Corps training unless he later returns to the institution or voluntarily enrolls in the advanced course in another institution under the provisions of § 562.21, in which case he will be required to fulfill the provisions of the contract signed when he enrolled in the advanced course.

§ 562.21 *Credit for Reserve Officers' Training Corps training.* (a) A member of the Reserve Officers' Training Corps who withdraws from an institution and enters another in which a unit of the Reserve Officers' Training Corps of the same division is maintained and who is eligible to enroll therein under the regulations of the institution (and, in the case of an advanced-course student, is duly selected therefor) will be given credit, if he does enroll therein, for that part of the course successfully completed in the first institution.

(b) When a unit is withdrawn from an institution at which other units are maintained, members of the unit withdrawn may transfer to one of the remaining units of the institution and may be commissioned on graduation in the section of the Officers' Reserve Corps for which their entire training best qualifies them. Such transfers between medical units and units of other arms and services are not authorized.

§ 562.22 *Training, senior division—* (a) *Content and objectives of courses.* The content and objectives of the several courses of instruction for units of the senior division are governed by the provisions of the Program of Instruction, Senior Division, Reserve Officers' Training Corps at Institutions, published by the Department of the Army.

(b) *Military courtesy.* The observance of military courtesy and customs is required on all occasions when students are under military instruction.

(c) *Basic and advanced courses.* The four years' Reserve Officers' Training Corps course of the senior division is divided into the basic course and the advanced course. The basic course consists of the first two years in the department of military science and tactics which correspond to the freshman and sophomore years of the academic departments. The advanced course consists of the last two years in the department of military science and tactics which correspond to the junior and senior years of the academic departments.

(d) *Curtailment of courses.* There is no authority under the law to compress the basic course into less than two academic years. The Army area commander is authorized to approve applications for curtailment of the advanced course when all of the following conditions exist: when the student will be eligible for graduation from the institution before sufficient time shall have elapsed

to enable him to complete the regular advanced course; when the student has completed or agrees to complete all theoretical (classroom) subjects in the advanced course without reduction of the scope prescribed in the program of instruction, and subject to written examination in all subjects, under the supervision of the professor of military science and tactics; when the student agrees to attend the advanced course camp; and when the student, in the opinion of the professor of military science and tactics, possesses exceptional aptitude for leadership and capacity for completing the course in the time available.

Notwithstanding the granting of authority for a curtailment of the course, the student will not be recommended for appointment in the Officers' Reserve Corps unless he has on graduation from the institution fulfilled all the conditions prescribed and has in fact demonstrated his qualifications for commission. A curtailment of the course will not be authorized in the case of any student eligible for enrollment in the advanced course two or more years prior to the date of his graduation from the institution.

(e) *Election of courses.* Students electing the Reserve Officers' Training Corps courses do so for only two years at a time. The first election is for the two years' basic course, after which, if the student be recommended for further training, he may elect the advanced course. Completion of the basic course shall, when entered upon by a student, be a prerequisite for graduation as regards such student, unless he shall be discharged in accordance with the provisions of § 562.20. Completion of the advanced course is a requirement of the student's contract and should be made a requirement for academic graduation by virtue of the fact that the institution has, pursuant to section 40a, National Defense Act, as amended (41 Stat. 777; 10 U. S. C. 385) agreed to adopt into its curriculum the course of instruction (advanced course) prescribed by the Secretary of the Army, which, once entered upon by any student is, under the terms of his contract, a required subject of his institutional course.

(f) *Camps.* Reserve Officers' Training Corps camps will be established annually as prescribed by the Department of the Army. Attendance at one advanced-course camp is required of all students enrolled in the advanced course.

(g) *Admission to advanced course.* When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected by the head of the institution and the professor of military science and tactics for advanced training, he may be admitted to the advanced course of the senior division within the limits of the enrollment allotted to the institution.

(h) *Written agreement for admission to advanced course.* A member of the senior division, otherwise qualified, becomes enrolled in the advanced course upon signing a written agreement, upon the form prescribed for that purpose, to fulfill certain conditions as required by law and regulations.

Enrollment in the advanced course will normally take place at or before the beginning of the school year, semester, term, or quarter following the completion of the basic course, and the students enrolled will, under the terms of their contracts, normally pursue the course continuously to completion so long as they continue as students at the institution. Upon the recommendation of the professor of military science and tactics, heads of institutions are authorized to defer enrollment in the advanced course in the case of students who, at the time of becoming eligible for enrollment in the advanced course, will normally require more than two years to complete their academic courses. Similarly they may authorize deferments of unexecuted portions of advanced-course contracts in the case of students who would otherwise complete the advanced course at a period antedating their academic graduation. Such deferments will extend only until such period as will permit the student to complete the advanced course without curtailment. In no case will a deferment be granted which would result in a curtailment of the advanced course or a contraction of the course into a period of less than two years. No student in whose case a deferment has been granted and who fails to apply for enrollment in the advanced course in sufficient time to complete the course without curtailment will be accepted.

No deferment of any portion of the advanced course at institutions beyond the date of graduation from the academic course which the student is pursuing will be authorized. Students in postgraduate or professional courses who completed the basic course of a unit of any arm or service as undergraduates may be authorized to enroll in the advanced course of the same arm or service at any time prior to the commencement of the last two years of their course.

As an inducement to eligibles to enroll in advance for the advanced course, contracts may be prepared and signed prior to the completion of the basic course, but in such event the effective date of enrollment in accordance with the contract, namely, the first day of a subsequent academic year, semester, term or quarter, will be clearly specified. Students who fail to begin the work of the advanced course at the time specified will forfeit all rights under their contracts.

(i) *Credit for previous training.* Students who have received previous military training in a junior division unit or in a school or college conducting military training under an officer of the Army detailed as professor of military science and tactics, will receive such credit toward eligibility for the advanced course as the professor of military science and tactics and the head of the institution may jointly determine. The amount of credit and the manner of its application will thus be determined locally, consideration being given to the general educational policies and plans of the institution and to the military proficiency of the individual student, as evidenced by his record of previous training; but credit shall only be given for time during which the student has received a

course of military training substantially equivalent to that prescribed for the corresponding period or periods of training of the senior division. Credit will not be given to a student for military training received prior to his fourteenth birthday. Credit may be given for training received at the United States Military Academy or at the United States Naval Academy, or at the United States Coast Guard Academy, or in the Naval Reserve Officers' Training Corps.

(1) Any student now or hereafter enrolled in the senior division of the Reserve Officers' Training Corps, who has been separated under honorable conditions from active duty in the armed forces of the United States (Army, Navy, Marine Corps, or Coast Guard) will receive credit toward completion of the two academic years of service in that division required for admission to the advanced course and for entitlement to commutation of subsistence, as provided for in section 47c, National Defense Act, as amended, for military training which he has received, while on active duty in the Army, Navy, Marine Corps, or Coast Guard, as follows:

Active duty in the armed forces of the United States:	Credit for basic course, senior division, ROTC
1 year or more	2 years.
6 months, but less than 1 year	1 year.
Less than 6 months	No credit.

(j) *Hours of instruction.* The minimum number hours of Reserve Officers' Training Corps instruction required to be given in the basic course is an average of 3 hours per week, and in the advanced course, 5 hours per week, with the exception that the minimum required number of hours for medical, dental, and veterinary units is 90 hours per annum in both the basic and the advanced courses; time spent in preparation for instruction will not be counted in satisfaction of this requirement.

(k) *Meaning of instruction hours.* An hour in the program of instruction represents the customary academic hour of 50 minutes.

(l) *Distribution of instruction hours.* With the approval of the Army area commander the required hours of instruction may be distributed throughout the year in accordance with the conditions existing at the particular institution.

(m) *Courses of instruction.* Courses of instruction will be furnished by The Adjutant General, and all instruction in the Reserve Officers' Training Corps will be conducted in accordance therewith.

(n) *Credit for academic instruction.* Credit on Reserve Officers' Training Corps courses for instruction received in the nonmilitary departments of the institution will be limited to that authorized in the Department of the Army programs of instruction.

(o) *Credit toward a degree.* The credit to be given for the successful completion of courses in the Reserve Officers' Training Corps toward a degree is a matter to be determined by the authorities of each institution. The successful conduct of Reserve Officers' Training Corps units depends in large measure upon the

granting of credit on the same basis, hour for hour, for practical and theoretical instruction as is given for laboratory and classroom work in other departments.

(p) *Athletics.* Under such rules as may be adopted by the head of the institution and the professor of military science and tactics, a student engaged in college athletics may be excused from the regular classes in physical training held under the department of military science and tactics during the season in which he is actually engaged in such athletics.

(q) *Band.* Members of the Reserve Officers' Training Corps may be trained and employed as members of the band during a part of the hours allotted to close-order or other formal drills. Members of the band enrolled in the Reserve Officers' Training Corps qualifying for reserve commissions must so qualify by the same standards as are required of other members of the Reserve Officers' Training Corps.

(r) *Absence from instruction.* Absence from training or instruction will be excused only for sickness, injury, or other exceptional reasons. Any student who is absent from any part of the practical or theoretical instruction will be required, according to the practice at the particular institution, to make up the instruction missed thereby before being credited with completion of either the basic or advanced course.

(s) *Military training certificate.* Upon application, a military training certificate (W. D., A. G. O. Form No. 134) will be issued by the professor of military science and tactics to each student (except to those commissioned in the Officers' Reserve Corps or issued certifications for appointment) enrolled in a senior division of the Reserve Officers' Training Corps upon the termination of his instruction therein. This certificate will show the course pursued and the military qualification attained.

§ 562.23 *Training junior division—*
(a) *Essentially military school units (Class MS).* Junior division training in essentially military school units will consist of a 4 years' course of theoretical and practical instruction. Its scope will include training equivalent to the basic course, infantry units, senior division, supplemented by appropriate subjects from the advanced course. The program of instruction covering the above 4 years' course is published by the Department of the Army. This training will not be curtailed or compressed.

(b) *High school units and junior units established in other institutions (Class CS).* Military training at institutions maintaining junior units, other than essentially military schools, comprises a three years' course of theoretical and practical instruction substantially equivalent in scope to the basic course of infantry units, senior division. The program of instruction covering this three years' course is published by the Department of the Army. At high schools where the academic course includes the eleventh or twelfth grade, enrollment is limited to the three highest academic classes of the school. In communities where the public school system extends beyond the twelfth grade and the school

authorities desire to include military training in the curriculum of the higher schools of the system, enrollment is limited to the four upper classes of the entire system. At all other Class CS institutions, enrollment is limited to the three upper classes of the institution.

(c) *Credit for previous training.* For regulations governing the crediting of training received in the junior division on the courses of senior division units, see § 562.22 (1). Students who have received previous military training in another junior division unit will receive such credit as the professor of military science and tactics and the head of the institution may jointly determine.

(d) *Military training certificate.* Upon application, a military training certificate (W. D., A. G. O. Form No. 134) will be issued by the professor of military science and tactics to each student enrolled in a junior division of the Reserve Officers' Training Corps upon the termination of his instruction therein (except to those commissioned in the Officers' Reserve Corps or issued certifications for appointment). The certificate will show the course pursued and the military qualification attained.

§ 562.24 *Selection of honor military schools.* (a) Based upon the results of the formal inspection, army commanders will forward annually to the Chief, Army Field Forces, as soon as practicable, lists of the essentially military schools within their army areas which are recommended for designation as honor military schools.

(b) The Chief, Army Field Forces, will designate a board of officers to examine and evaluate carefully the recommendations of the army commanders. Upon the completion of this evaluation, the board will recommend to the Secretary of the Army the award of the honor military school rating to those institutions which have maintained an exceptionally high standard of military training and discipline during that school year.

(c) Final approval for the awarding of the honor military school rating will be given by the Department of the Army and announced prior to the close of the school year, whenever possible.

§ 562.25 *Selection of honor high schools.* (a) Based on the results of the formal inspection, army commanders will designate annually as honor high schools such schools in their respective army areas as have attained an exceptionally high standard of training and discipline. In communities where two or more separate high schools are located, each school may be separately considered for the honor rating.

(b) The schools designated as honor high schools in each army area will not be announced by the army commander but will be reported to The Adjutant General annually as early as practicable after the conclusion of annual inspections. The Department of the Army will announce the awarding of the honor high-school rating prior to the close of the school year, whenever possible.

§ 562.26 *Distinguished military student.* (a) A "distinguished military student" is a person designated by the professor of military science and tactics who:

(1) Possesses outstanding qualities of military leadership, high moral character, and definite aptitude for the military service.

(2) Has distinguished himself either academically or by demonstrated leadership through his accomplishments while participating in recognized campus activities.

(3) Has completed or is scheduled to complete the advanced course, Senior Division, ROTC, within one school year, and

(4) Has a standing in military subjects among the upper third of his ROTC class.

(b) Qualified students who will complete the advanced course, Senior Division, ROTC, prior to graduation from a college or university which confers a baccalaureate degree will be notified by the professor of military science and tactics of designation as distinguished military students by letter on the day of successful completion of the advanced course, Senior Division, ROTC.

(c) Qualified students who are scheduled to complete the advanced course, Senior Division, ROTC, and simultaneously to be graduated from a college or university with a baccalaureate degree within one school year may be designated distinguished military students by the professor of military science and tactics at the beginning of the student's last full school year.

(d) The professor of military science and tactics or higher commander must obtain the written opinion of the president or other appropriate official of the institution prior to the announcement of specific students designated as distinguished military students.

(e) A copy of the letter designating each distinguished military student will be forwarded to The Adjutant General, Washington 25, D. C., attention: AGSO-R.

(f) The designation as a distinguished military student of a Senior Division, ROTC unit, other than medical, entitles the individual to be considered in selection of applicants for appointment in the Regular Army and Regular Air Force during his last year of attendance at a college or university which confers a baccalaureate degree on graduation therefrom, provided he is eligible for appointment under other pertinent laws and regulations.

§ 562.27 *Distinguished military graduates.* (a) A "distinguished military graduate" is a person designated by the professor of military science and tactics or by a higher commander who:

(1) Is a distinguished military student.

(2) Has completed the advanced course, Senior Division, ROTC.

(3) Has been graduated from a college or university with a baccalaureate degree, and

(4) Has maintained the standards required of a distinguished military student during the period between designation as a distinguished military student and the date of graduation with a degree from an accredited college or university.

(b) The professor of military science and tactics or higher commander must obtain the written opinion of the president or other appropriate official of the institution prior to the announcement of specific students designated as distinguished military graduates.

(c) Distinguished military students selected for appointment in the Regular Service who maintain these standards until graduation are assured of appointment, provided they are physically qualified. Such distinguished military students will be notified of their selection for a Regular appointment in January or November of each year. Professors of military science and tactics will officially designate as distinguished military graduates all distinguished military students who have maintained prescribed standards throughout the course. Such designation will be accomplished by letter on the day of graduation. This letter will be given each distinguished military graduate and one copy will be forwarded to The Adjutant General, Washington 25, D. C. attention: AGSO-R. The appropriate commander will take this action in the case of students who are attending institutions where there is no professor of military science and tactics.

(d) In order to be considered for designation as distinguished military graduates, distinguished military students in attendance at colleges and universities which do not have a professor of military science and tactics must inform the appropriate higher commander (numbered Air Force or army commander, or senior U. S. Army or U. S. Air Force commander of overseas commands) during the early part of their senior year of the school at which they are in attendance.

§ 562.28 *Honor graduates of honor military schools.* (a) For each year that an essentially military school is designated as an honor military school, the professor of military science and tactics assigned thereto may designate not to exceed three honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of such institutions in the current academic year, who have been members of the Reserve Officers' Training Corps for at least 2 years while at the school, citizens of the United States, who have in their school work shown proficiency in subjects amounting to not less than 15 units prescribed by the regulations for admission to the United States Military Academy and have been selected by the president or other head of the institution for scholastic excellence, and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service. The requirements for admission to the United States Military Academy are shown in detail in the Department of the Army pamphlet, *Information Relative to the Appointment and Admission of Cadets to the United States Military Academy*, which may be obtained from The Adjutant General.

(c) In case a class MI institution is designated as an honor military school, the honor graduates thereof will be listed in two groups, as follows:

(1) Honor graduates, honor military school.

(2) Class MI honor graduates.

(d) The names of the honor graduates of honor military schools (paragraph (c) (1) of this section), together with the academic standing attained by each and accompanied by a report prepared by the professor of military science and tactics, will be furnished The Adjutant General immediately following graduation. The report of the professor of military science and tactics will contain the military record of each graduate and a brief estimate of his qualifications as a potential officer.

CROSS REFERENCE: For regulations contained in the pamphlet "Information Relative to the Appointment and Admission of Cadets to the United States Military Academy," see Part 575 of this chapter.

§ 562.29 *Honor graduates of class MI institutions.* (a) The professor of military science and tactics at each class MI institution maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units.

(b) In this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a class MI institution entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he will graduate in the current academic year from an institution which offers a college degree upon satisfactory completion of not less than a 4 years' college course, and has been selected by the president or other head of the institution as an honor graduate for scholastic excellence, and provided further that he is eligible for appointment under other pertinent laws and regulations.

§ 562.30 *Uniforms and insignia.* Graduates holding certificates of eligibility for appointment as second lieutenants in the Officers' Reserve Corps are authorized to wear the prescribed uniform of the organization from which they graduated until they attain the age when they become eligible for such appointment (21 years). The occasions on which the uniform may be worn are the same as those prescribed for Reserve officers not on active duty.

§ 562.31 *Honor graduates of honor military schools as candidates for the United States Military Academy.* In accordance with the provisions of the Act of July 9, 1918 (40 Stat. 894; 10 U. S. C. 1091) honor graduates of honor schools may be appointed as candidates for the United States Military Academy. The term "honor school" mentioned in that act will apply to honor military schools. Honor graduates of honor military schools will be selected for appointment

as cadets of the United States Military Academy in the following manner:

(a) The Adjutant General will maintain a roster of honor military schools as determined by annual Department of the Army inspections. At an early date in each year, the Adjutant General will anticipate the vacancies in the Corps of Cadets which are open to honor graduates and will make an equitable distribution of those vacancies among the honor military schools and notify them accordingly. Each designated institution will notify The Adjutant General at a specified time of the names of the selected honor graduates designating them as principal, first alternate, and second alternate. In considering graduates for this designation the institution is not limited to those graduating during the current year.

(b) An honor graduate, designated as principal, of a selected institution will be appointed a cadet of the United States Military Academy upon the certificate of the head of the institution that the appointee is an honor graduate of that institution of a year for which the institution was designated an honor military school. All honor graduates are appointed subject to the same tests for mental and physical qualifications as are required of other candidates. In the event that the honor graduate designated as principal does not accept the appointment or fails to qualify for admission, the first alternate will, if qualified, be appointed, and in the event that neither the principal nor the first alternate qualifies, the second alternate will, if qualified, be appointed. The honor graduate must, at date of admission to the United States Military Academy, be between the ages of 17 and 22.

§ 562.32 *Appointment from the senior division.* (a) Graduates of the senior division of the Reserve Officers' Training Corps may be appointed as Reserve officers upon satisfactory completion of the course of training prescribed by law and regulations provided they meet the requirements of pertinent regulations governing appointment in the section of the Officers' Reserve Corps in which commission is sought. The recommendations of the professors of military science and tactics and the head of the institution, concurred in by the chief of the arm or service concerned, will be required in each case. Appointments are made only in the lowest authorized grade of the proper section.

(b) Students of Medical Department units of the Reserve Officers' Training Corps who complete the prescribed course for such units prior to qualifying for their professional degree will not be appointed in the Medical Department sections of the Officers' Reserve Corps until evidence is submitted that such students have actually obtained their professional degree.

(c) During the period of commencement the commissions or certifications for appointment will be formally presented to those entitled to receive them with such ceremony as the head of the institution may prescribe.

§ 562.34 *Appointment in the Regular Army.* The appointment of members or

former members of the Reserve Officers' Training Corps as commissioned officers in the Regular Army will be governed by regulations for appointment of commissioned officers in the Regular Army which specify exemptions from educational tests granted to honor graduates of selected institutions maintaining units of the senior division of the Reserve Officers' Training Corps and partial exemptions granted to other graduates and members of the Reserve Officers' Training Corps. The Department of the Army will from time to time advise all concerned relative to the institutions and the number of honor graduates from each who may take advantage of these provisions.

§ 562.35 *Form of application for establishment of Reserve Officers' Training Corps units (senior or junior).* Application in the following form will be submitted by institutional authorities desiring the establishment of units of the Reserve Officers' Training Corps. In applications for establishment of units of the junior division, strike out in paragraph 2 the words "during the first two academic years and to arrange for five hours per week during the balance of such students' course"

-----, 19-----
THE ADJUTANT GENERAL,
Washington, D. C.
(Through the Commanding General, -----
Army.)

SM: 1. By direction of the governing authorities of ----- University (College or School), I hereby submit application for the establishment of a ----- unit of the Reserve Officers' Training Corps at this institution.

2. Should this application be accepted by the President, the authorities of this university (college or school) hereby agree to establish and maintain a two-years' compulsory (or elective) course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, to allot a minimum of an average of three hours per week per academic year to military training and instruction during the first two academic years and to arrange for five hours per week during the balance of such students' course, and to use their endeavors to promote and further the objects for which the training corps is organized. It is understood that the law requires a minimum enrollment in the military course of 100 (or 50, as the case may be) physically fit male students, citizens of the United States and over 14 years of age, in order to maintain the Reserve Officers' Training Corps unit requested.

3. The authorities of this institution also agree to conform to the regulations of the Secretary of the Army relating to issue, care, use, safekeeping, and accounting for such Government property as may be issued to the institution. Further, the institutional authorities agree to appoint or designate by resolution or in bylaws, whichever may be countenanced by statutes or approved methods of procedure governing the institution, an officer of the institution, to be known as military property custodian, who will be empowered to requisition, receive, store, and account for this property and otherwise transact matters pertaining thereto, for and in behalf of the institution.

4. Attached herewith is a statement giving particulars with reference to the institution.

(Head of Institution)

§ 562.36 *Statement (To be attached to application for a Reserve Officers' Training Corps unit).*

Name of institution -----
1. Grade of institution -----
(a) Land grant? -----
(b) Collegiate? -----
(3) Number of years of academic study necessary for a degree? -----
2. Number of male students 14 years or more of age now enrolled in the institution, or were at the close of the preceding school year, who in accordance with the provisions of AR 145-10 are eligible for enrollment in the unit (inclose last printed catalogue, if not already furnished). -----
3. Have you assurance that 100 or more eligible students will enroll in the unit? If so, state estimated number. -----
4. Will the enrollment in the unit be voluntary (with the students) or required of all students? If required, state number of years or classes required to enroll. -----
5. State the number of cadet companies now organized. -----
6. Details (material, dimensions) of storage facilities for arms and equipment. (Stable facilities and shelter for forage and for guns and caissons in case mounted unit is desired.) -----
7. Designation of governing body (board of regents, trustees) -----
(a) Numbers of members of same -----
(b) Official designation of the head of the institution -----
(Head of Institution)

Date -----, 19-----

TRAINING CAMPS

AUTHORITY: §§ 562.58 to 562.69 issued under sec. 34, 41 Stat. 778, 10 U. S. C. 441.
DERIVATION: AR 145-30, Apr. 21, 1948.

§ 562.58 *Supervision and command.* These camps will be conducted by Army commanders and appropriate overseas commanders, and when located at class II installations, with the assistance of the heads of the administrative or technical services represented by the ROTC units, and in accordance with instructions issued by the Department of the Army. All matters pertaining to service-type ROTC summer camps, when conducted at the sites of technical service schools, will be coordinated with heads of administrative or technical services concerned.

§ 562.59 *Number, type, and location of camps.* The number, type, and location of camps will be determined by the Chief, Army Field Forces, and the appropriate commanding generals of the overseas commands concerned, with the approval of the Department of the Army at least 4 months prior to the opening date of such camps.

§ 562.60 *Designation.* Camps will be designated: "The Fort ----- ROTC Camp," "The Camp ----- ROTC Camp," etc.

§ 562.61 *Time and duration.* Camp will open ordinarily in June of each year (as soon as practicable after the closing date of educational institutions concerned) and will continue for a period of 8 weeks.

§ 562.62 *Attendance.* (a) The Department of the Army will prescribe the number of students in each Army area and overseas command to attend camps annually.

(b) Camp attendance is required of, and open to, students as indicated below:

(1) Attendance at one camp is required of students enrolled in the advanced course, normally upon completion of the first year of the advanced course.

(2) Students who are required or who elect to pursue technical training or engage in employment of furtherance of such training during the summer following their junior academic year under the general supervision of the authorities of the institution may be authorized by commanders referred to in § 562.58 to attend camp upon completion of the advanced course. Commanders referred to in § 562.58 are authorized to forward to the Department of the Army, for consideration, cases of exceptional merit not specifically covered by this subparagraph and subparagraph (3) of this paragraph.

(3) Students who, after completion of the basic course, have but one more year before graduation from collegiate institutions and for whom curtailment of the advanced course under the provisions of AR 145-10 and § 562.1 to § 562.36 is authorized, may be permitted by commanders referred to in § 562.58 to attend camp upon completion of the advanced course.

(4) Students who have completed the freshman academic year without participation in the Reserve Officers' Training Corps program during that academic year, but who have received credit for the basic course under the provisions of section 47c, National Defense Act, as amended, and the joint resolution of September 8, 1916 (10 U. S. C. 388) may become enrolled in the advanced course upon signing advanced course contracts, and, upon their agreeing in writing to attend Reserve Officers' Training Corps camp, may be permitted to attend such camp prior to their actual entrance into such advanced course.

(5) Attendance is required of students to whom permission to attend a deferred camp has been granted under the provisions of § 562.64.

(6) Students pursuing the ROTC course under the provisions of § 562.17 may be authorized by the commanders referred to in § 562.58 to attend an ROTC camp without expense to the Government other than payment for attendance as authorized by section 47c, National Defense Act. The conditions of attendance will be explained to each student and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under the provisions of section 47c, National Defense Act, as amended.

(7) Institutions desiring to send non-veteran students of Senior Division ROTC units to summer camp after completion of the basic course will be required to secure approval to do so from the army commander concerned, prior to the close of the school year.

(8) When the number of students that can be trained is such that all cannot be accommodated, selection for camp training will be made with priority in the following order:

(1) Advanced course students to whom deferred camp attendance was granted the previous year.

(ii) Students compelled to withdraw from a previous camp under the conditions cited in paragraph (d) of this section.

(iii) Advanced course students attending at the normal time, i. e., after satisfactory completion of the first year of the advanced course.

(iv) Students pursuing the ROTC course under provisions of § 562.17, authorized to attend.

(c) Training of the ROTC student is conducted in clearly defined stages according to a progressive scheme of instruction. The camp training supplements and follows in progression the first year of the advanced course at the institution.

(d) Students will not be authorized to attend more than one camp, except in the following cases:

(1) When the student was compelled to withdraw from a camp previously attended and was unable to complete the camp course of instruction because of sickness or cause other than misconduct, fault, or neglect on his part.

(2) When the student, after attending camp, has transferred to a unit of an arm or service other than that of the camp previously attended.

(3) When authorized by the Secretary of the Army, in exceptional cases. In these cases the student, if eligible, will be required to attend the next camp of his unit in accordance with the provisions of his advanced course contract.

(e) Exemption of members of the advanced course from the required camp attendance or the extension of credit toward such attendance for previous military training is not authorized by law.

(f) An opinion of The Judge Advocate General states that the attendance under contract at summer ROTC camp of ROTC students who have completed only their first year basic course is not legally authorized.

§ 562.63 *Camps for units at MI, MS, and CS institutions.* The only camps provided for by these regulations are advanced course camps. The Department of the Army does not maintain camps for the instruction of students in the junior division or for students at class MI institutions, as such. Nevertheless, where such camps are maintained by institutions, the personnel and equipment allotted to such institutions may be used for this purpose, without expense to the Government beyond such expense as would be involved in the maintenance of such personnel and equipment at the institution.

§ 562.64 *Deferred attendance.* (a) When it is not practicable for an advanced course student to attend camp until after the normal period, attendance may be deferred by commanders referred to in § 562.58 to whom application for such deferment, setting forth the reasons which require deferment, will be addressed.

(b) Commanders referred to in § 562.58 will not authorize a change of advanced camp attendance from the normal period to a period subsequent to graduation unless the reasons given are substantial.

(c) A student will not be permitted to defer camp attendance to a time subsequent to the camp which immediately follows his graduation unless he is physically unable to attend that camp, in which case, upon receipt of proper evidence of disability, including the certificate of a reputable physician, the commanders referred to in § 562.58 may authorize the student to defer attendance at camp for an additional year.

(d) The veteran-trainee may be authorized subsistence allowance in the amounts to which he is ordinarily entitled and subject to the \$175-\$200 limiting proviso of section 2, Public Law 679, 79th Congress, which amends paragraph 6 of part VIII, Veterans' Regulations Numbered 1 (a) as amended, while in approved leave status from his place of training. Such leave may be used to attend Reserve Officers' Training Camp or for any other purpose. It is considered that a trainee does not pursue his regular course of education or training for the period of summer Reserve officer training, and therefore he will not be paid subsistence for this period, unless he has sufficient accrued leave for which he has applied to cover this period of training.

§ 562.65 *Attendance at camp of arm or service other than that in which enrolled.* There will be students in scientific and technical courses whose services will be needed in, and who will wish to be commissioned in, branches not represented by units on their campuses. Commanders referred to in § 562.58 may authorize the attendance of such students at ROTC camps of the appropriate branches, provided such students are enrolled in academic courses prerequisite to enrollment in advanced ROTC as prescribed by Department of the Army publications.

§ 562.66 *Absence from camp.* (a) For unavoidable causes, such as sickness, commanders referred to in § 562.58 may, in each particular case, authorize a short delay in arrival, which in no event is to extend beyond the fifth day of camp. Students will not be admitted to camp later than the fifth day.

(b) In exceptional cases when hardship would otherwise ensue, camp commanders in each particular case may authorize students to be absent from camp for short periods, during which they should ordinarily be present for instruction.

(c) A student, who through absence from camp, fails to receive at least 85 percent of the total scheduled instruction, will not be credited with camp attendance nor will he be considered as fulfilling that part of his advanced course contract which requires camp attendance. Army commanders are authorized to act as final approving authorities on requests from institutions within their areas for waivers of the conditions set forth herein.

§ 562.67 *Dismissal and withdrawal from camp.* (a) Any student who because of demonstrated inaptitude, indifference to training, or who is guilty of misconduct, of whose habits or traits of character indicate that upon completion

of the course of instruction prescribed for ROTC units he would not be qualified for a commission in the Officers Reserve Corps, will be dismissed from the camp by the camp commander. Such action by the camp commander will be based upon a thorough and impartial investigation by a board of officers. A full report concerning the dismissal of the student, setting forth the reasons therefor, will be prepared in duplicate. The first copy will be forwarded to the army commander of the appropriate area, or the commander of the oversea command in which the student's unit is located. The second copy will be forwarded to the authorities of the institution in which the student is enrolled. Any student who is compelled, by necessity, to leave the camp through no fault or misconduct of his own may be permitted to withdraw by the commanding officer. Students who are dismissed or who withdraw from camp are entitled to transportation and subsistence as provided hereinafter. Any student who desires to withdraw from the camp for his own convenience will be interviewed by the camp commander, who will endeavor to persuade the student that it is to his advantage to complete the camp training. If the student persists in his desire, he will be permitted to withdraw. The records of students who are dismissed, or who are compelled by necessity, not involving fault or misconduct, to withdraw, will carry the notation, "Dismissed or (Permitted to withdraw) from ----- advanced ROTC camp on (date) for the convenience of the Government." The notation, "Permitted to withdraw from ----- advanced ROTC camp on (date) for his own convenience" will be placed on the records of students who are permitted to withdraw for their own convenience.

(b) While dismissal from camp ordinarily will result in discharge from the ROTC, such discharge is not included in the dismissal. The professor of military science and tactics at the institution, after thorough investigation and examination of the report of dismissal, will recommend to the army or oversea commander, through the head of the institution, either that the student be discharged from the ROTC or that he, in an exceptional case, be retained therein, and upon action by the higher authority, designated above, will take steps accordingly. Students permitted to withdraw for their own convenience will be advised that they will be required to refund all commutation of subsistence so far received as a condition precedent to release from contract, and that in the discretion of the institutional authorities they may be required to refund to the institution the unearned portion of advanced course commutation of uniform allowance expended in their behalf.

§ 562.68 *Transportation*—(a) *Transportation authority*. (1) Students will normally be authorized to proceed to designated camps from their institutions, or from their legal residences where the distances from such residences to the camps do not exceed the distances from their institutions to the camps, and to return

thereto, by the shortest usually traveled route.

(2) Under exceptional circumstances, army commanders may—

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed directly from the institution to the camp.

(ii) In the interest of economy, authorize a student to attend a camp of an arm or service other than the camp prescribed for his unit. If the camp to be attended is beyond the territorial limits of the Army in which the institution of the student is located, the camp attendance will be arranged by the army commanders concerned, by direct correspondence.

(b) *Travel allowances*. (1) Members of the ROTC will be paid travel allowance at the rate of 5 cents per mile from the place from which the students are authorized to proceed to camp and for the return travel thereto. Payment of the travel allowance for the return journey may be made in advance of the actual performance thereof. W D, F D. Form 21 (Reimbursement Voucher, Pay Roll, CMTC, ROTC, will be used as a voucher for payment of travel allowances and copies of orders will be filed therewith.

(2) Return travel allowances is not due to a student until the close of camp. The commanding officer will pay travel allowances to a student upon dismissal or withdrawal if determined by him that such advanced payment is proper and desirable for the good of the service. However, the commanding officer is authorized to withhold travel allowances until the termination of the camp, if he determines such course advisable, and if the student is not present at the close of the camp to refuse payment thereof.

(3) The shortest usually traveled route will be the basis of calculation for travel allowances. Travel allowances for members of the ROTC will be paid from the appropriations for ROTC.

(i) Orders for travel to camp and return therefrom will be issued by army or oversea commanders, or such subordinate authority as they may designate.

(ii) In the case of a student authorized to attend a camp in an Army area other than that wherein the place from which he is directed to proceed is located, the travel order will be issued by the Army commander of the area from which the student is directed to travel, and 3 copies of the order will be sent at once to the Army commander of the appropriate area in which the camp to be attended is located for each student so ordered.

(c) *Students without funds*. Students unable to pay their own railroad fare may be authorized transportation in kind by Army commanders, in which case orders issued will specifically state that transportation requests and meal tickets will be furnished. Transportation request and meal tickets will be forwarded

to the student with orders directing him to proceed to camp. Cost of this transportation and subsistence will be borne by ROTC funds allocated to Army commanders.

§ 562.69 *Pay*. Members of the ROTC or other persons authorized by the Secretary of the Army to attend advanced camps shall be paid for attendance at such camps at the rate prescribed for enlisted men of the seventh grade of the Regular Army with less than 3 years service.

PART 564—ENLISTED RESERVE CORPS

Sec.

564.1 Eligibility.

564.2 Grade.

564.3 Enlistment.

564.4 Transfers.

564.5 Qualification.

564.6 Physical examination.

564.7 Orders to active duty.

564.8 Voluntary requests for orders to active duty.

564.9 Separation from service.

564.10 Identification card.

564.11 Change of residence.

AUTHORITY: §§ 564.1 to 564.11 issued under 39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U. S. C. 421, 423-427.

DERIVATION: AR 160-5, Feb. 13, 1946.

§ 564.1 *Eligibility*. (a) Male warrant officers, flight officers, and enlisted personnel with active Federal service, since September 16, 1940, in the Army, United States Air Force, National Guard, Marine Corps, Marine Corps Reserve, Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve may be enlisted in the Enlisted Reserve Corps; *Provided, That:*

(1) The applicant is a citizen of the United States or has filed legal declaration of intention to become a citizen of the United States.

(2) Relief from active duty or discharge last received was under honorable conditions.

(3) Applicant was not discharged under Army Regulations.

(4) Applicant is not ineligible for enlistment under Army Regulations.

(5) Requirements as to physical standards are met.

(6) Applicant reports a permanent home address within the continental limits of the United States or its possessions.

(7) The applicant has, at time of enlistment, passed his 17th birthday and not reached his 35th birthday except that an applicant possessing technical skills needed by the Enlisted Reserve Corps who has passed his 35th birthday but has not reached his 45th birthday may, when specifically authorized by the Army commander concerned, be accepted for enlistment.

(b) Male personnel without prior active Federal service who meet the applicable requirements of paragraph (a) of this section may be enlisted in the Enlisted Reserve Corps; *Provided, That* the applicant is specifically enlisted for a unit undergoing training, and agrees in writing for such assignment and training.

§ 564.2 *Grade*. (a) Enlistments will be in the seventh grade except that:

(1) Warrant officers and flight officers may enlist in the first grade providing they enlist prior to the official termination of the war; or after the official termination of the war they enlist within 6 months after relief or discharge from active duty.

(2) Enlisted personnel of the Army, United States Air Force, National Guard, Marine Corps, Marine Corps Reserve, Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve may be enlisted in the grade or equivalent grade (Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve) held at the time of discharge or relief from active duty providing they enlist prior to the official termination of the present war; or after the official termination of the war they enlist within 6 months after relief or discharge from active duty.

(3) Applicants who have successfully completed the following number of years of ROTC instruction and the termination of such instruction was under honorable conditions and for reasons other than academic failure are authorized the following scale of grade eligibility:

	Grade
1 -----	6
2 -----	5
3 -----	4

(ii) Grade 6 is authorized where the applicant has graduated from a Junior ROTC unit.

(4) Applicants indicated in § 564.1 (b) may, based on their civilian technical skills, be enlisted in a higher grade upon approval of commanders authorized to make promotion or reductions in the Enlisted Reserve Corps.

(b) With the exception of those enlisted in the Air Force Enlisted Reserve, individuals enlisted in the Enlisted Reserve Corps will be permitted to retain Army ratings such as parachutist, combat infantryman, and similar technical designations authorized by current directives, and appropriate notations will be made on their records to reflect such actions. An individual enlisted in the Air Force Enlisted Reserve who formerly held such a rating may wear the badge of that rating, but the rating will not be valid unless the individual is rerated in United States Air Force orders subsequent to enlistment in the Enlisted Reserve Corps.

§ 564.3 *Enlistment*—(a) *Section for which enlisted.* Enlistments will normally be made in the section of the Enlisted Reserve Corps, elected by the applicant, in which he appears qualified. Enlistments are authorized in the following sections:

- (1) Adjutant General's Department Reserve.
- (2) Air Force Enlisted Reserve.
- (3) Army Security Enlisted Reserve.
- (4) Armor Enlisted Reserve (including tank destroyer personnel)
- (5) Cavalry Enlisted Reserve.
- (6) Chemical Corps Enlisted Reserve.
- (7) Coast Artillery Corps Enlisted Reserve.
- (8) Corps of Engineers Enlisted Reserve.
- (9) Corps of Military Police Enlisted Reserve.

(10) Field Artillery Enlisted Reserve (including tank destroyer personnel)

(11) Finance Department Enlisted Reserve.

(12) Infantry Enlisted Reserve.

(13) Medical Department Enlisted Reserve.

(14) Military Intelligence Enlisted Reserve.

(15) Ordnance Department Enlisted Reserve.

(16) Quartermaster Corps Enlisted Reserve.

(17) Signal Corps Enlisted Reserve.

(18) Staff and Administrative Enlisted Reserve.

(19) Transportation Corps Enlisted Reserve.

(20) Women's Army Corps Enlisted Reserve.

(b) *Period of enlistment.* Enlistments in the Enlisted Reserve Corps will be for a period of 3 years. Any previous enlistments made for "3 years or for the duration of the war plus 6 months, whichever is the longer" are amended to expire 3 years from date of enlistment.

§ 564.4 *Transfers.* Applications for transfer to another section of the Enlisted Reserve Corps may be approved by the commanding general of the Army area. *Provided,* That each transfer is made in grade seven and the applicant is qualified for service in the section requested.

§ 564.5 *Qualification.* All men enlisted in the Enlisted Reserve Corps must be qualified physically and otherwise for military service in accordance with current standards for enlistment or induction.

§ 564.6 *Physical examination.* (a) The standards for physical examination will be those prescribed in AR 40-115, Physical Standards and Physical Profiling for Enlistment and Induction, except, however, the Department of the Army may prescribe special standards for physical examination for enlistments in certain branches of the service or for special types of duty.

(b) When necessary, applicants who are otherwise qualified for enlistment in the Enlisted Reserve Corps may be transported from the recruiting station or examining board to the nearest station where a physical examination may be given, retained thereat, furnished meals and lodging, and returned at Government expense.

§ 564.7 *Orders to active duty*—(a) *Authority.* Men under 18 years of age who were enlisted under the authority contained in regulations issued October 2, 1945 (10 CFR, 1945 Supp., Part 604 note) will not be ordered to active service until they have attained their eighteenth birthday but will be ordered to active service immediately thereafter, except that:

(1) Students in attendance at colleges or secondary schools may, upon their own application, be deferred from being ordered to active duty to complete the term or semester in which they reach their eighteenth birthday, but in no case beyond the age of 18 years and 6 months.

(2) Members of the Enlisted Reserve Corps who are enrolled in the Army Specialized Training Reserve Program will be ordered to active duty at the end of the term in which they reach their eighteenth birthday.

(3) Commanding generals of Army areas are authorized to defer orders to active duty for illness or other cogent reasons but in no case shall the deferment be extended beyond the age of 18 years and 6 months.

(b) Men enlisted under the provisions of § 564.2 (a) and (b) will not be ordered to active duty except as ordered by the Secretary of the Army.

§ 564.8 *Voluntary requests for orders to active duty.* (a) Members of the Enlisted Reserve Corps, unassigned, under 18 years of age, who enlisted under the provisions of regulations issued October 2, 1945 (10 CFR, 1945 Supp., Part 604 note) may, upon attaining their eighteenth birthday, if not ordered to active duty immediately, voluntarily request orders to active duty by submitting in each case a formal request in writing to the commanding general of the service command of residence. Such members of the Enlisted Reserve Corps will be ordered to active duty in the Army of the United States for the unexpired period of their enlistment in the Enlisted Reserve Corps.

(b) Members of the Enlisted Reserve Corps, other than those specified in paragraph (a) of this section, will not be ordered to active duty on their own request except for limited periods of training as may be ordered by the Secretary of the Army with the consent of each reservist concerned.

§ 564.9 *Separation from service*—(a) *Discharge from active duty.* When on active duty the discharge of members of the Enlisted Reserve Corps will be governed by the provisions of Army Regulations.

(b) *Discharge from inactive status.* (1) Except for enlisted men of the Regular Army transferred to the Enlisted Reserve Corps and retired under the provisions of AR 615-395 (Army regulations relative to retirement) and subsequently discharged upon completion of 30 years' service, members of the Enlisted Reserve Corps when on an inactive status may be discharged as follows:

(i) By direction of the President or order of the Secretary of the Army.

(ii) By direction of the Commanding General of an army (ZI) United States Army, Alaska, United States Army, Caribbean, or United States Army, Pacific, or such officer, or officers, as may be designated by them for that purpose.

(a) Upon expiration of term of enlistment.

(b) On account of physical disability. If an enlisted reservist on inactive status becomes physically disqualified for limited service, he will be discharged.

(c) Upon acceptance of a commission in the armed forces, appointment to the U. S. Military, Naval, or Coast Guard Academy, upon receipt of notice of enlistment in the Regular Army or National Guard, or upon receipt of notice of enlistment in the Navy, Marine Corps, or Coast Guard.

(d) Upon presentation of conclusive evidence in accordance with the provisions of AR 615-362 (Army regulations relative to discharge) that his membership in the Enlisted Reserve Corps in an inactive status has a material deterrent effect on his earning a livelihood.

(e) Because of inaptness or failure to possess the required degree of adaptability for military service.

(f) Because of evidence of habits or traits of character which render retention in the service undesirable.

(g) Upon conviction by a civil court.
(h) At any time within 90 days prior to expiration of enlistment, for the purpose of reenlistment as of day next following day of discharge.

(2) No enlisted reservist will be called to active duty for the purpose of effecting his discharge.

(3) Discharge certificates will be furnished enlisted reservists discharged from inactive status.

§ 564.10 *Identification card.* (a) W. D., A. G. O. Form 166 (Identification Card—Enlisted Reserve Corps) will be prepared and given to the enlisted man at the time of his enlistment or transfer to the Enlisted Reserve Corps to be retained in his possession until called to active duty or discharged.

(b) The reverse side of the identification card contains instructions to the reservist regarding report of change of address.

§ 564.11 *Change of residence.* (a) Immediately upon changing residence, a member of the Enlisted Reserve Corps will notify the commanding general of the Army area, using W. D., A. G. O. Form 167 (Individual Report of Enlisted Reservist) stating his new address.

(b) Enlistment in the Enlisted Reserve Corps does not restrict travel or residence abroad. An enlisted reservist before leaving the United States for a period of 30 days or more will notify the commanding general of the service command of any occupation he expects to follow while abroad, of his foreign address, and of the approximate duration of his absence. Upon his return he will report to the commanding general of the Army area the date of his return and his permanent address. Enlisted reservists who depart for an absence abroad for a period of 6 months or longer will be discharged, unless, for cogent reasons, an exception is made by The Adjutant General.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9893; Filed, Nov. 10, 1948;
8:45 a. m.]

Subchapter G—Procurement

TRANSFER AND REVISION OF REGULATIONS

The regulations contained in Part 818 and Part 820, Chapter VIII, Title 10, are hereby transferred to Part 608 and Part 610, Subchapter G, Chapter V Title 34, as follows:

PART 608—VETERINARY INSPECTION

Sec.
608.1 Inspection of establishments.

Sec.
608.2 Correction of defects in establishments.

608.3 Milk plant and dairy farm inspection.

AUTHORITY: §§ 608.1 to 608.3 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 40-2150, Oct. 9, 1942.

§ 608.1 *Inspection of establishments—*
(a) *Award of contracts.* (1) The award of contracts for meat and meat-food products is limited to bidders whose plants operate directly under the supervision of the Bureau of Animal Industry, United States Department of Agriculture, or to bidders handling in establishments approved by the Army Veterinary Corps, meat and meat-food originating in plants under the supervision of the United States Bureau of Animal Industry. The award of contracts for milk, cream, or other fluid milk products (other than canned) and ice cream, will be limited to establishments which have passed an Army sanitary inspection within the calendar month preceding the opening date of the bid or which are certified to by Army Medical Department authorities as approved sources of supply.

(2) Establishments other than those mentioned in subparagraph (1) of this paragraph which supply or propose to supply foods of animal origin will be inspected by a veterinary officer as circumstances and conditions warrant.

(b) *Inspection procedure.* The inspection of establishments will be conducted by an officer of the Veterinary Corps whenever such officer is available. The inspection will be conducted so as to ascertain that the plant and the methods in use conform to recognized principles of sanitation and to such technical instructions and informative guides as may be issued by The Surgeon General.

§ 608.2 *Correction of defects in establishments.* When an establishment is not properly operated or does not maintain a satisfactory standard of sanitation, and correction of these defects cannot be obtained after the matter has been brought to the attention of the proprietor or manager, written recommendation should be made by the responsible veterinary officer, through the surgeon, to the commanding officer that the establishment not be approved as a source of supply for the command.

§ 608.3 *Milk plant and dairy farm inspection—*(a) *Object.* (1) The object of milk plant and dairy farm inspection is to prevent the transmission of disease through the use of an unsafe milk product and to obtain the quality of product specified in the contract. Due to the highly perishable nature of milk and milk products and the fact that they are very favorable media for bacterial growth, it is essential that particular attention and close supervision be given to the production, processing, and handling of these products.

(2) It is not intended that veterinary officers will routinely inspect all dairy farms supplying milk to milk plants having Army contracts. Ordinarily, veterinary officers will determine the character and quality of the raw milk through frequent laboratory examinations of representative samples taken at milk plants and through close contact with local

health or other civilian agencies exercising supervision over the raw milk supply. However, in exceptional circumstances where it would be in the interest of the Army to do so, and in cases where milk is procured by an Army post from an individual or firm operating a dairy farm in conjunction with a milk plant, the veterinary officer will make the necessary inspection of the farm.

(b) *Scope.* A sanitary inspection of a milk plant or a dairy farm will include a complete physical examination by a veterinarian of all dairy cows in each herd from which the milk is procured; the sanitary condition and suitability of all buildings, equipment, and utensils; the methods of operation; the apparent health of employees; an investigation of the water supply and of the various ingredients used; and an examination of the various products manufactured or produced in each establishment.

(c) *Action.* Deviation from accepted practices or incorrect procedures of such a nature as to have real bearing on the actual sanitary condition or on the quality of the product must be promptly rectified or the product should be excluded from use by the Army. Since it is impracticable to state exactly at what stage an improper practice or incorrect procedure may render a milk product dangerous to the consuming troops, the decision as to the acceptability or use of these products is left to the responsible Medical Department authority. Any product of such character, or which is handled under such conditions as probably to adversely affect the health of the command will not be used.

PART 610—PROCUREMENT OF HORSES AND MULES

Sec.
610.1 Inspection of animals.
610.2 Duties of seller.

§ 610.1 *Inspection of animals.* Each horse and mule presented for purchase will be minutely inspected on the halter to determine whether the animal complies with the specifications for horses and mules as prescribed by the Department of the Army, and particularly to determine soundness and suitability for the work required of the animal. If the inspection on the halter proves satisfactory, further inspection will be made of riding and pack horses under the saddle, and of draft horses and draft and pack mules in harness, to determine whether they are tractable, manageable, and sound in wind. (R. S. 161, 5 U. S. C. 22) [AR 30-435, May 29, 1942]

§ 610.2 *Duties of seller.* The seller will be required to provide a suitable place for inspection and to furnish such help as may be necessary properly to show the horses and mules presented. He will also be required to provide a suitable place for holding and feeding of the animals pending shipment, and the necessary assistance for the shipment of the animals purchased from him. (R. S. 161, 5 U. S. C. 22) [AR 30-435, May 29, 1942]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9892; Filed, Nov. 10, 1948;
8:45 a. m.]

TITLE 36—PARKS AND FORESTS**Chapter II—Forest Service, Department of Agriculture****PART 201—NATIONAL FORESTS****TONGASS NATIONAL FOREST, ALASKA**

CROSS REFERENCE: For an addition to the tabulation contained in § 201.1, see Public Land Order 525 in the Appendix to Chapter I of Title 43, *infra*. This order excludes certain tracts of land from Tongass National Forest and restores them for purchase as homesites or business sites.

**TITLE 43—PUBLIC LANDS:
INTERIOR****Chapter I—Bureau of Land Management, Department of the Interior**

[Circular 1705]

PART 160—GRAZING LEASES

This part is hereby completely revised to read as follows:

- Sec.
160.1 Statutory authority.
160.2 Definitions.
160.3 Classes of applicants; preference rights.
160.4 Qualifications of applicants.
160.5 Filing of applications; copies necessary.
160.6 No right conferred by application, prior to lease.
160.7 Protests.
160.8 Leases of withdrawn or reserved lands.
160.9 Action on defective applications.
160.10 Offer and issuance of lease; disposition of protests and conflicting applications.
160.11 Reduction in leased area or number of stock to be grazed.
160.12 Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.
160.13 Rental.
160.14 Term of lease.
160.15 Filing of petitions for renewals.
160.16 Construction and maintenance of improvements.
160.17 Removal of improvements.
160.18 Cancellation of lease.
160.19 Inspection of leased premises.
160.20 Assignment of lease; subleases of leased land not authorized.
160.21 Leases pledged as security for loans.
160.22 Appeals.

AUTHORITY: §§ 160.1 to 160.22 issued under sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U. S. C. sec. 315m.

§ 160.1 *Statutory Authority.* Section 15 of the act of June 28, 1934 (48 Stat. 1275) as amended, authorizes the Secretary of the Interior, to lease for grazing purposes, vacant, unappropriated and unreserved public lands outside of established grazing districts in the continental United States only.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional Administrator" means the Regional Administrator, Bureau of Land Management.

(d) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means the Director, Bureau of Land Management.

(e) "Signing Officer" means the Government official who has been duly authorized to issue a grazing lease.

(f) "Field Office" means any office of the Bureau of Land Management, including the District Land Office, near the lands applied for and in the State in which such lands are situated. If there is no District Land Office or other field office in the State, it means the office of the Director, Bureau of Land Management, Washington 25, D. C.

(g) "The act" means the act of June 28, 1934 (48 Stat. 1275) as amended.

§ 160.3 *Classes of applicants; preference rights.* The act, as amended, provides for the issuance of grazing leases to classes of applicants in the following order:

(a) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less¹ for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference-right is asserted during a period of 90 days after such tract is offered for leases.²

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Leases where no preference-right applicant is involved.

§ 160.4 *Qualifications of applicants.* An applicant for a grazing lease is qualified if the applicant

(a) Is a citizen of the United States, or

(b) Has filed a declaration of intention to become a citizen: *Provided*, That an applicant who has filed such declaration but has not filed a petition for naturalization before a court of competent jurisdiction within seven years from the date of filing the declaration or, having filed such petition, has failed to attain citizenship within a reasonable time thereafter and is unable to show any satisfactory reason for such failure, shall

¹ Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision. The difference between the higher preference right accorded under this paragraph and the preference accorded under succeeding paragraph (b) is that the applicant is not required to demonstrate that the public lands are necessary for the proper use of the contiguous or cornering lands, except where there are conflicting applications of the same class of applicants.

² By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

be disqualified to receive a grazing lease or any renewal of an existing lease until he has actually attained citizenship, or

(c) Is a group, association, or corporation which is authorized to conduct business under the laws of the State in which the lands applied for are located and the controlling interest in which is vested in a citizen or citizens or persons who would be qualified as individual applicants under paragraphs (a) and (b) of this section.

§ 160.5 *Filing of applications; copies necessary.* Any application for a lease should be submitted on Form 4-721 and filed in any field office of the Bureau of Land Management in the State in which such lands are situated. If there is no field office in the State, the application should be filed with the Director, Bureau of Land Management, Washington 25, D. C. The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate. The application must be signed by the applicant, but need not be under oath.³

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Protests.* Protests against the approval of an application for a lease should be filed in the same manner and number of copies as applications for a grazing lease, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.8 *Leases of withdrawn or reserved lands.* Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,⁴ if the use of the

³ 18 U. S. C., sec. 80, makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

⁴ Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (1) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C., sec 501).

land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, 43 CFR 295.7 (c). Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.9 *Action on defective application or where the lands applied for are not subject to grazing leasing.* Upon the filing of any application, the officer receiving it may require any defects in the application to be cured or additional information to be provided. The signing officer may reject any application if the applicant fails to cure defects in the application within the time allowed, which period shall not be less than thirty days from the date of receipt of notice of such defects by the applicant. If the application must be rejected because of the status of the land for which application is made as where land is in an allowed entry, otherwise appropriated or reserved and not subject to lease under the act, or not public land, a manager, if his office has land status, or a signing officer shall reject the application.

§ 160.10 *Offer and issuance of lease; disposition of protests and conflicting applications.* The signing officer, after making provision for the area, term, rental, and allowance of forage for wildlife, and within the discretion of the signing officer, the number of livestock to be grazed, proper grazing season, or reservations for authorized trailing across the land, in the proposed lease, shall forward it, in quadruplicate, on Form 4-722a, to the applicant for execution. After execution, and within a period not less than fifteen days from the receipt of the proposed lease, the applicant will return the proposed lease, together with payment of the first years rental, computed under § 160.13, to the signing officer. If all is found to be regular, a lease will be issued by the signing officer after final action has been taken on any protests or conflicting applications which may have been filed.

Where it is determined that more than one applicant should receive a lease and a division of the lands is necessary, the conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the matter will be determined by the signing officer in the light of all available information.

After the proposed lease has been transmitted to an applicant, and if such lease is executed by him, any conflicting grazing lease application filed subsequent to such transmission will be rejected as to any lands included in the proposed lease.

§ 160.11 *Reduction in leased area or number of stock to be grazed.* The leased area may be reduced if it is unreasonably excessive for the number of stock owned

by the lessee, or if it is determined that such area is required for the protection of sources of water supply to communities, or for camping places, stock driveways, roads and trails, or town sites, or for feeding grounds near communities for the use of domestic livestock or near the slaughtering or shipping points for use of stock to be marketed or for other public purposes. The number of stock authorized to be grazed may also be reduced if it is determined that the leased area lacks sufficient forage to carry such authorized number of stock. In the case of any such reduction, a proportionate decrease will be made in the annual rental charges.

No request of any agency of the Federal Government for the withdrawal of land embraced in a grazing lease for governmental use under this section will be approved unless such agency shall agree to compensate the lessee for the loss suffered by the cancellation, or reduction in the area of the lease by an amount which such agency shall determine to be reasonable and proper.

§ 160.12 *Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.* Lands embraced in a grazing lease are subject to classification, regardless of whether an application for classification of any such lands has been filed, and disposition under the provisions of sections 7 and 14 of the act of June 28, 1934 (48 Stat. 1272) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315f) or other public land laws: *Provided*, That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease, and, in addition, for increased costs in the lessee's grazing operations during the unexpired term of the lease. In any event the amount allowed because of such increased operating costs shall not exceed an amount equal to three times the annual rental of the lands removed from his leasehold. If the interested parties are unable to reach such an agreement, the amount and time for payment shall be fixed by the signing officer. The failure of the applicant to pay the lessee in accordance with the agreement or the amount fixed by the signing officer, within the time allowed for payment, shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

Where part of the lands embraced in a grazing lease are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold.

§ 160.13 *Rental.* The lessee shall pay, in accordance with the terms of the lease, an annual rental computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized by the Director:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units year-long per section	Yearly rental rate per acre
157.00	0.5	\$0.001
53.00	1.0	.002
35.00	1.5	.003
25.00	2.0	.004
20.00	2.5	.005
18.00	3.0	.006
16.00	3.5	.007
14.00	4.0	.008
12.00	4.5	.009
11.00	5.0	.010
10.00	5.5	.011
9.00	6.0	.012
8.00	6.5	.013
7.00	7.0	.014
6.00	7.5	.015
5.00	8.0	.016
4.00	8.5	.017
3.00	9.0	.018
2.00	9.5	.019
1.50	10.0	.020
1.00	10.5	.021
.75	11.0	.022
.50	11.5	.023
.25	12.0	.024
.10	12.5	.025
.05	13.0	.026
.02	13.5	.027
.01	14.0	.028
.005	14.5	.029
.002	15.0	.030
.001	15.5	.031
.0005	16.0	.032
.0002	16.5	.033
.0001	17.0	.034
.00005	17.5	.035
.00002	18.0	.036
.00001	18.5	.037
.000005	19.0	.038
.000002	19.5	.039
.000001	20.0	.040

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than \$1 per annum. The rental may be adjusted to reflect differences in numbers of livestock authorized to be grazed, changes in carrying capacity, and changes in authorized rates of rental at the end of the third year of the lease and at the end of each three-year period thereafter.

§ 160.14 *Term of lease.* A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.15 *Filing of petitions for renewals.* A lessee who desires to renew a lease should file in triplicate approximately 90 days prior to the expiration of the lease a petition for its renewal on Form 4-725. The petition may include a request for the consolidation of other outstanding grazing leases held by the lessee. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the petition.

§ 160.16 *Construction and maintenance of improvements—(a) Permit required.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses, provided that a permit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the

provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of fences.

(b) *Applications for permits and cooperative agreements.* Applications for permits, cooperative agreements, or arrangements to construct and maintain range improvements shall set forth the location of such improvements by legal subdivision of the public land survey, the necessity, use, cost, and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal, or other disposition, and shall include any other pertinent information. When necessary to explain properly the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements with specifications and a map showing the location of the improvements. Applications for a permit shall be made on Form 4-1115 and shall be filed in triplicate with the signing officer. Application for a cooperative agreement shall be made on Form 4-1119.

(c) *Action on the application.* Action will be taken on the application by the signing officer. If the application is approved, the signing officer will issue a permit or enter into a cooperative agreement for the construction and maintenance of the improvements which have been approved.

§ 160.17 *Removal of improvements.* Upon the expiration of a lease or its earlier termination, the signing officer may, in his discretion and upon a written petition filed by the lessee within 30 days from date of such expiration or termination, require a proposed subsequent lessee, prior to the execution of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that may have been placed upon the leased lands under authority of a section 15 lease executed prior to the effective date of those regulations, and, thereafter, under a permit issued under the said section. The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.12. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States. No improvements may be removed at any time the lessee is in default with respect to the lease.

§ 160.18 *Cancellation of lease.* If the lessee shall fail to comply with any of the provisions of these regulations or of the lease, and such default shall continue for 60 days after service of written notice thereof, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and canceled by the signing officer.

§ 160.19 *Inspection of leased premises.* The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior. Other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary official business.

§ 160.20 *Assignment of lease; subleases of leased land not authorized.* Proposed assignments of a lease must be filed within 90 days after execution in the office of the signing officer and may be approved by the signing officer. The assignments must contain all of the terms and conditions agreed upon by the parties thereto; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved. Subleases are not authorized.

§ 160.21 *Leases pledged as security for lands.* (a) A lease may be pledged as security for a loan of \$500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the signing officer the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordance with applicable law and not contrary to the public interest, the lease may be extended for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by the regulations in this part.

(c) In case the property of the lessee which was the basis for the granting of a preference right is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on the property, if qualified, or any person who purchases the property from such agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files in the office of the signing officer notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.22 *Appeals; filing.* An appeal from any decision rendered pursuant to the regulations in this part may be taken to the Director and the Secretary, in accordance with the rules of practice (43 CFR, Part 221). The appeal should be filed with the officer who rendered the decision.

MARION CLAWSON,
Director

Approved: November 4, 1948.

MASTIN G. WHITE,
Acting Assistant Secretary
of the Interior

[F. R. Doc. 48-9882; Filed, Nov. 10, 1948;
8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 525]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES OR BUSINESS SITES

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites or business sites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the national forest, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites or business sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (U. S. C. title 48, sec. 461)

TONGASS NATIONAL FOREST

U. S. Survey No. 2402, lot 37, 0.83 acres; latitude 55°18'00" N., longitude 131°32'00" W. (Homesite No. 829, Mountain Point Group);

U. S. Survey No. 2403, lot 81, 1.27 acres; latitude 55°19'20" N., longitude 131°30'00" W. (Homesite No. 962, Herring Bay Group);

U. S. Survey No. 2451, lot 5, 4.56 acres; latitude 57°47'04" N., longitude 135°14'00" W. (Homesite No. 616, Tenakee Group);

T. 56 S., R. 68 E., Copper River Meridian, Sec. 1, W½ lot 7;

Sec. 2, lot 7.

The tract as described contains 17.64 acres. On the north side of Point Lena Road, 2.75 acres; latitude 58°23'00" N., longitude 134°44'00" W. (Tract B of Homesite No. 968)

On the northeast shore of Lisianski Inlet, Chichagof Island, 2.01 acres; latitude 57°58'00" N., longitude 136°15'00" W. (Homesite No. 972)

U. S. Survey 2554, lot M, 1.02 acres; latitude 55°28'00" N., longitude 131°47'00" W. (Homesite No. 720, Clover Pass Group)

On the south side of Windham Bay, 4.71 acres; latitude 57°33'40" N., 133°28'40" W. (Homesite No. 1018).

On Favorite Channel, between U. S. Surveys Nos. 2266 and 2388, Tract 1, 4.89 acres; latitude 58°24'40" N., longitude 134°45'45" W. (Homesite No. 537, Tee Harbor Group)

J. A. KRUG,
Secretary of the Interior

NOVEMBER 4, 1948.

[F. R. Doc. 48-9881; Filed, Nov. 10, 1948;
8:46 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

ORGANIZATIONAL AND EDITORIAL AMENDMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of November 1948:

The Commission, having under consideration the necessity for amending Part 1, rules relating to organization and

practice and procedure, of its rules and regulations, to reflect changes in internal procedures of the Commission relating to the processing and disposition of applications filed under section 214 of the Communications Act; and

It appearing, that such amendments are designed to improve the internal administration of the Commission and will serve the public interest, convenience, and necessity; and

It further appearing, that the proposed amendments to the rules and regulations are organizational or editorial in nature, and that publication of the notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required; and

It further appearing, that authority for the proposed amendments is contained in section 4 (i) and section 5 (e) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Part 1 of the Commission's rules and regulations, be, and it is hereby, amended, as set forth below.

(Secs. 4 (i) 5 (e) 48 Stat. 1066, 1068; 47 U. S. C. 154 (i) and 155 (e))

Adopted: November 3, 1948.

Released: November 5, 1948.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. In § 1.28, amend paragraph (a) to read as follows:

§ 1.28 *Aviation Division.* * * *

(a) Wiretelegraph Branch processes applications for the extension and supplementation of facilities used in interstate service; is responsible for the engineering aspects presented by applications for authority to discontinue, reduce or impair telegraph service and to acquire or consolidate telegraph properties; performs work required in the investigation of complaints regarding telegraph service and equipment, and handles field investigations relative thereto. Initiates and makes studies and investigations regarding all aspects of quality of telegraph service. Keeps abreast of technical developments in the industry. Prepares memoranda to the Commission concerning the industry and initiates rules and regulations as required. Furnishes expert testimony at hearings.

2. In § 1.28, amend paragraph (b) to read as follows:

(b) Wiretelephone Branch processes applications for the extension, supplementation, and discontinuance of facilities used in interstate service and is responsible for the engineering aspects presented by applications for the acquisition or consolidation of telephone properties; keeps informed and reports on all technical developments relative to the telephone industry; investigates and prepares reports relating to the operation of telephone lines, systems and associated equipment, including the transmission of FM and TV over wire and cables; investigates and prepares reports

relating to telephone traffic, including speed of service, routing, capacities and operating methods; and investigates complaints relating to the furnishing of telephone communication service. Furnishes expert testimony at hearings.

3. In § 1.56, paragraph (a) following the words, "participates in recommending disposition of applications," delete the words "for extension of telephone lines or discontinuance of telephone service under section 214 of the Communications Act," and following the words "and for radiotelephone licenses;" add the words "is responsible for the rate and economic aspects and for Bureau coordination of Accounting aspects presented by applications for the extension, supplementation and discontinuance, reduction, or impairment of telephone service and for acquisitions or consolidations of telephone properties;"

4. In § 1.56, paragraph (b) following the words "telegraph traffic surveys;" insert the words "processes applications for authority to discontinue, reduce, or impair telegraph service and is responsible for the rate and economic aspects and for Bureau coordination of accounting aspects presented by applications for extension and supplementation of telegraph lines and for the acquisition or consolidation of telegraph properties;" following the words "participates in recommending disposition of applications" delete the words, "for extension of telegraph lines or discontinuance of telegraph service under section 214 of the Communications Act."

5. In § 1.75, paragraph (c), following the words, "relating to such services," delete the words, "reviews and makes recommendations with respect to" and insert in lieu thereof the words "is responsible for the legal aspects presented by"

6. In § 1.107, paragraph (b) amend subparagraph (1) to read as follows:

§ 1.107 *Delegation to Telegraph Committee.* * * *

(b) (1) All applications or requests under section 214 of Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telegraph lines, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction or impairment of telegraph service, except those covered by §§ 1.142 (i) and 1.147 (a).

7. Add a new § 1.108 to read as follows:

§ 1.108 *Delegation to Telephone Committee.* (a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, will hear and determine, order, certify, report or otherwise act upon the matters set forth in paragraph (b) of this section;

(b) Except as otherwise ordered by the Commission, the Telephone Committee, or a majority thereof, shall act upon the following matters:

(1) All applications or requests under section 214 of the Communications Act of

1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telephone lines, for temporary or emergency telephone service, for supplementing existing telephone facilities, or for discontinuance, reduction or impairment of telephone service, except those covered by § 1.142 (i)

8. In § 1.142, add new paragraph (i) to read as follows:

§ 1.142 *Authority delegated to Secretary upon securing approval of Engineering Department.* * * *

(i) Applications or requests under section 214 of the Communications Act for a certificate authorizing the construction, acquisition, operation or extension of lines, or for an authorization of temporary or emergency service, or the supplementing of existing facilities, where the total expenditure involved is less than \$250,000; all applications or requests for modification of a certificate or authorization issued under section 214 of the Communications Act where such amendment or modification involves a total expenditure of less than \$250,000; and applications and requests for authority to discontinue, reduce or impair telephone service filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of this chapter.

9. In § 1.145, delete paragraphs (d) and (e)

10. Redesignate § 1.147 as § 1.148; change the number "1.146" appearing therein before the words, "shall be recorded" to read, "1.147" and add a new § 1.147 to read as follows:

§ 1.147 *Authority delegated to Secretary upon securing the approval of the Bureau of Accounting.* The Secretary, or in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the Chief Accountant, or his nominee:

(a) Applications under section 214 of the Communications Act for an authorization for temporary or emergency closures or reduction of hours of telegraph offices, and for any closure, or reduction of hours of a telegraph office at a military establishment, for closure of railroad-operated agency offices and for closure of company-operated main offices where substitute service is to be provided by a telephone or teleprinter operated agency office in the same community in those cases where applicable Commission policy has been established; and informal requests for authority to discontinue, reduce, or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, 63.66-63.68 of this chapter.

11. In § 1.525, amend the second and third sentences of paragraph (a) to read as follows: "In accordance with the delegation of authority provided for in §§ 1.107, 1.108 and 1.142, the Telegraph Committee, the Telephone Committee, and the Secretary, respectively, take final action on these matters. In other cases, final action is taken by the Commission. Recommendations on these applications are made by the Bureau of Engineering,

or by the Bureaus of Engineering, Accounting and Law."

12. In § 1.525, paragraph (b) change "Secretary of War" to read "Secretary of the Army"

13. In § 1.526, amend the third and fourth sentences of paragraph (a) to read as follows: "In accordance with the delegation of authority provided for in

§§ 1.107, 1.108, 1.142 and 1.147, the Telegraph Committee, the Telephone Committee, and the Secretary, respectively, take final action on these matters. In other cases, final action is taken by the Commission. Recommendations on these applications are made by the Bureau of Accounting where telegraph service is involved, by the Bureau of Engi-

neering where telephone service is involved, or by the Bureaus of Accounting, Engineering and Law."

14. In § 1.526, paragraph (b), change "Secretary of War" to read "Secretary of the Army" in the first and third sentences of the paragraph.

[F. R. Doc. 48-9902; Filed, Nov. 10, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1635]

LOAN ANNOUNCEMENT

NOVEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation:	Amount
Iowa 50G Lyon.....	\$400,000

[SEAL] CLAUDE R. WICKARD,
Administrator

[F. R. Doc. 48-9910; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1636]

LOAN ANNOUNCEMENT

NOVEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 25B Luna.....	\$150,000

[SEAL] CLAUDE R. WICKARD,
Administrator

[F. R. Doc. 48-9911; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1637]

LOAN ANNOUNCEMENT

NOVEMBER 2, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Maine 12F Washington.....	\$105,000

[SEAL] CLAUDE R. WICKARD,
Administrator

[F. R. Doc. 48-9912; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1638]

LOAN ANNOUNCEMENT

NOVEMBER 2, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 33M Hendricks.....	\$320,000

[SEAL] CLAUDE R. WICKARD,
Administrator

[F. R. Doc. 48-9913; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1639]

LOAN ANNOUNCEMENT

NOVEMBER 2, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 13R Brown.....	\$128,000

[SEAL] CLAUDE R. WICKARD,
Administrator

[F. R. Doc. 48-9914; Filed, Nov. 10, 1948; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 2704, 2705]

CAPITAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Capital Airlines, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an amendment of its certificate for route No. 14 so as to authorize scheduled transportation of mail to Flint, Mich., to serve Saginaw-Bay City, Mich., as an intermediate point; and to reword the certificate to provide nonstop service between Chicago, Ill., and Lansing, Flint, and Saginaw-Bay City, Mich., and to amend its certificate for route No. 41 so as to remove the restriction which limits operations between Traverse City and Grand Rapids, Mich., to the period from May 1 to October 31 of each year; and to reword and

amend the certificate for route No. 41 to include other points presently served by applicant so as to provide a more flexible service on this route.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above entitled proceeding is assigned for hearing on Monday, November 15, 1948, at 10:00 a. m. (eastern standard time), in Room 1011, Temporary Building No. 5, 16th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

1. Whether the proposed service is required by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the service for which it is applying and to conform to the provisions of the act and the rules, regulations, and requirements of the Board promulgated thereunder.

Notice is further given that any person desiring to be heard in opposition to the above application must file with the Board on or before November 15, 1948, a statement setting forth the issues of fact or law which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., November 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9901; Filed, Nov. 10, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6863, 8063]

VALDOSTA BROADCASTING CO., AND
OKEFENOKEE BROADCASTING CO.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Valdosta Broadcasting Company, Valdosta, Georgia, Docket No. 6863, File No. BP-4106; E. K. Avriett, Sr., E. K. Avriett, Jr., Ann Avriett, Frank E. Walker, Denver T. Brannen

and Theodore Dinkins, d/b as Okefenokee Broadcasting Company, Waycross, Georgia, Docket No. 8063, File No. BP-5513; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1948;

The commission having under consideration a request from Valdosta Broadcasting Company for a continuance of the oral argument in the above-entitled proceeding now scheduled for November 15, 1948; and

It appearing, that counsel for Valdosta Broadcasting Company will be unable to attend oral argument on that date and that this request should, therefore, be granted;

It is ordered, That the oral argument in the above-entitled proceeding be, and it is hereby, continued until December 6, 1948.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9907; Filed, Nov. 10, 1948;
8:47 a. m.]

[Docket No. 9188]

MACKAY RADIO AND TELEGRAPH CO., INC.
ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of application of Mackay Radio and Telegraph Company, Inc. for construction permit for additional transmitters. Docket No. 9188, File No. 890-C4-P-D.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of November 1948;

The Commission, having under consideration a formal application filed by Mackay Radio and Telegraph Company, Inc., on July 19, 1948 (File No. 890-C4-P-D), as modified by a formal application filed July 27, 1948, and by letter dated October 18, 1948, for a construction permit to install four additional transmitters (Serial Nos. 4808, 4809, 4811, 4812) at its Brentwood, New York, fixed public point-to-point telegraph station; and having also under consideration the Commission's letter to Mackay Radio and Telegraph Company, Inc., dated August 18, 1948, requesting additional information as to the need for the above transmitters, and the reply thereto dated October 18, 1948; and a telegram from Mackay Radio and Telegraph Company, Inc., filed October 20, 1948, requesting telegraphic approval of the above transmitters for the stated reason that the transmitters were "urgently needed for present services"

It appearing, that the above application for a construction permit, as modified, was granted by the Secretary of the Commission on October 22, 1948, pursuant to authority delegated by § 1.145 (f) of the Commission's rules and regulations;

It further appearing, that, operation of the transmitter bearing Serial No. 4808 commenced on October 1, 1948, and that

No. 221—4

operation of the transmitter bearing Serial No. 4811 commenced on October 13, 1948, which dates were prior to the above grant of the construction permit therefor;

It further appearing, that operation of the transmitters bearing Serial Nos. 4808 and 4811, was conducted without a license therefor, in violation of Section 301 of the Communications Act of 1934, as amended, and in derogation of the public interest intended to be protected thereby.

It is ordered, On the Commission's own motion, on reconsideration, pursuant to §§ 1.102 (b) and 1.726 (c) of the Commission's rules and regulations, that so much of the above construction permit (File No. 890-C4-P-D) granted to Mackay Radio and Telegraph Company, Inc. on October 22, 1948, as pertains to the transmitters bearing Serial Nos. 4808 and 4811, is set aside;

It is further ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the subject application, as modified, insofar as it pertains to the transmitters bearing Serial Nos. 408 and 4811, is designated for hearing, for the following reasons:

1. To determine all the facts and circumstances in connection with the subject application, and the installation and operation of the above two transmitters without prior authorization therefor from the Commission.
2. To determine in the light of all the facts and circumstances, and in view of the provisions of section 319 of the Communications Act of 1934, as amended, whether public interest, convenience, or

necessity would be served by a grant of the subject application.

It is further ordered, That the hearing herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 29th day of November 1948.

It is further ordered, That J. Fred Johnson, Jr. is assigned to preside at the hearing herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9306; Filed, Nov. 10, 1948;
8:47 a. m.]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND
CORRECTIONS IN ASSIGNMENTS

OCTOBER 13, 1948.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Cuban broadcast stations modifying appendix containing assignments of Cuban broadcast stations (Mimeograph 47983) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 31, 1941, Cuban Change List Number 45.

Cuba

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMKA.....	La Maya, Oriente.....	250 w.	{1250 kilocycles (cancel notification in change list No. 43). 1530 kilocycles (U).....}	II	March 1949.
CMKT.....	do.....				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-9304; Filed, Nov. 10, 1949; 8:47 a. m.]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND
CORRECTIONS IN ASSIGNMENTS

OCTOBER 15, 1948.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and

corrections in assignments of Cuban broadcast stations modifying appendix containing assignments of Cuban broadcast stations (Mimeograph 47983) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 31, 1941, Cuban Change List Number 46.

Cuba

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMKA.....	Guantanamo, Oriente.....	250 w.	1250 kilocycles (U).....	IV	March 1949.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-9303; Filed, Nov. 10, 1949; 8:46 a. m.]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND
CORRECTIONS IN ASSIGNMENTS

OCTOBER 18, 1948.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and

corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941, Canadian Change List No. 45.

CANADA

Call Letters	Location	Power	Radiation	Class	Probable date to commence operation
CKEY.....	Toronto, Ontario.....	680 kilocycles, 1 kw.; 5 kw.-LS.	DA-2	III-B	Feb. 1, 1949.
CHFA.....	Edmonton, Alberta.....	680 kilocycles (assignment of call letters).			
CKAO.....	Montreal, Quebec.....	730 kilocycles, 50 kw.....	DA-1	II	Now in operation with 10 kw. day 5 kw. night non-DA. Feb. 1, 1949.
CKOK.....	Penticton, B. C. (present operation: 1550 kc).	800 kilocycles, 250 w.....		II	
CKLW.....	Windsor, Ontario.....	50 kw.....	DA-2	II	Do.
CKYK.....	Yellowknife, Northwest Territory.	810 kilocycles (assignment of call letters).			
CJBC.....	Toronto, Ontario.....	860 kilocycles, 50 kw.....		I-A	Now in operation.
CBW.....	Winnipeg, Manitoba.....	930 kilocycles, 50 kw.....		I-A	Do.
CFRB.....	Toronto, Ontario.....	1010 kilocycles:	DA-2	II	Do.
CBX.....	Lacombe, Alberta.....	50 kw.....	DA-1	I-A	Do.
CKY.....	Winnipeg, Manitoba.....	1680 kilocycles (delete assignment)			
New.....	Hay River, Northwest Territory.	1230 kilocycles, 100 w.....		IV	Feb. 1, 1949.
CKBL.....	Matane, Quebec.....	1250 kilocycles, 1 kw.....	DA-1	III-B	Now in operation.
CKEN.....	Kentville, N. S.....	1480 kilocycles, (assignment of call letters).		IV	Do.
CKEN.....	do.....	250 w.....			
New.....	Windsor, Ontario.....	1550 kilocycles, 10 kw.....	DA-1	I-B	Do.
CBJ.....	Chicoutimi, P. Q.....	1630 kilocycles, 10 kw.....	DA-1	I-A	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9905; Filed, Nov. 10, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6176]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

NOVEMBER 4, 1948.

Notice is hereby given that on November 4, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Kentucky, Louisiana, New Mexico and Texas with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of \$1,500,000 principal amount of promissory notes to be dated during 1948 or during the first four months of 1949 representing short term loans obtained or to be obtained from banking institutions, bearing interest at the rate of 2½% per annum. Two promissory notes of \$300,000 each will be issued to the Fort Worth National Bank of Fort Worth, Texas, and the First National Bank of Fort Worth, Texas, to renew outstanding notes which will mature on January 11, 1949, and February 4, 1949, respectively, and \$900,000 of promissory notes will be issued and dated at such time or times as short term bank loans are made on or before April 30, 1949; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of November 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9880; Filed, Nov. 10, 1948; 8:46 a. m.]

FOREIGN-TRADE ZONES BOARD

[Public Notice 7].

APPLICATION FOR GRANT TO ESTABLISH,
OPERATE AND MAINTAIN FOREIGN-TRADE
ZONE AT SEATTLE, WASH.

NOTICE OF HEARING

NOVEMBER 2, 1948.

Pursuant to the provisions of the act of June 18, 1934 (48 Stat. 998-1003; 19 USC 81a-81u) and the regulations governing the establishment, operation, maintenance and administration of foreign-trade zones in the United States, promulgated in pursuance of said act, a public hearing will be held by an Examiners' Committee, beginning at 10:00 a. m., Pacific Standard Time, on December 3, 1948, in the Customs Court, Room 117, Federal Office Building, 909 First Avenue, Seattle, Washington.

The subject of the hearing is an application by the Port of Seattle Commission for a grant to establish, operate and

maintain a foreign-trade zone at Seattle, Washington. General plans showing the location of the project, may be examined at the office of the Examiners' Committee, 809 Federal Office Building, 909 First Avenue, Seattle, Washington, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 2036 Commerce Building, Washington, D. C. In brief, these plans contemplate the utilization of a portion of East Waterway Terminal of the Port of Seattle Commission, located on the west margin of East Waterway, an opening of Duwamish River into Elliott Bay, said portion being designated Unit No. 1, having a wharf frontage of 1,500 feet, the initial zone area comprising some 100,000 square feet, of which 68,000 will be covered by Shed #4, Warehouse #3 and an office building. The application states that an additional 126,700 square feet have been allotted for future expansion.

This public hearing is solely for the purpose of obtaining in the most direct manner the facts useful to the Foreign-Trade Zones Board. The immediate concern of the Examiners' Committee is to determine whether or not the facilities and appurtenances which it is proposed to provide are sufficient. Particular attention is called to the fact that the instant application is the only one to be considered at this time. The question of its suitability is up for discussion, not the suitability of some other zone site.

All interested parties are invited to be present or represented at the hearing; particularly those who may be affected by the proposed grant. An opportunity to be heard (either in person or by duly appointed representatives; either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who have manifested their interest in this application by complying with the following simple requirements:

1. A written or telegraphic request for an opportunity to be heard shall be filed before noon on November 29, 1948, at the office of the Examiners' Committee, Room 809 Federal Office Building, 909 First Avenue, Seattle, Washington, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 2036, Commerce Building, Washington, D. C., and shall indicate the number of witnesses, the general character of evidence and the approximate amount of time required.

2. Such request shall include (a) the name of any persons seeking to speak at the hearing, and (b) the persons or groups he represents.

In the discretion of the Examiners' Committee, persons who have not complied with the foregoing may be permitted, at any time prior to the closing of the hearing, to file written statements in quadruplicate regarding the application under consideration. Such written statements should be condensed as much as possible.

Representation of interested parties by attorneys or others is permissible, but is not to be regarded as necessary. For accuracy of record, and for file with the report and recommendations of the Examiners' Committee, all important facts and arguments should be submitted in writing, as these, together with the

record, will be forwarded for consideration by the Foreign-Trade Zones Board in Washington.

You are requested to communicate the foregoing to any persons known by you to be interested in the matter who, not being known to this committee, do not receive a copy of this notice.

GEORGE L. BELL,
*Chairman Ex Officio, Associate
Director Office of Interna-
tional Trade, Department of
Commerce.*

THOMAS E. LYONS,
*Examiner
Department of Commerce.*

HOWARD MACGOWAN,
*Collector of Customs,
Seattle, Wash.*

L. H. HEWITT,
*Colonel, Corps of Engineers,
District Engineer Seattle, Wash.*

[F. R. Doc. 48-9887; Filed, Nov. 10, 1948;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-523, 31-524, 54-106, 54-107,
59-52]

BUFFALO, NIAGARA AND EASTERN POWER
CORP. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November 1948.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54-106; 31-524; Niagara Hudson Power Corporation, File Nos. 54-107; 31-523; Niagara Hudson Power Corporation and its subsidiary companies: Respondents, File No. 59-52.

The Commission by order dated October 4, 1945, having approved a plan of reorganization and consolidation of Buffalo, Niagara and Eastern Power Corporation and certain of its subsidiaries, which plan provided, among other things, for the disposition by Niagara Hudson Power Corporation ("Niagara Hudson") within one year from November 1, 1945, of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation, unless such time is extended or the disposition requirements of the order modified or altered; and

Niagara Hudson having filed an application requesting a six-months extension from November 1, 1948, to May 1, 1949, of the time within which Niagara Hudson must dispose of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation and the subsidiaries thereof as provided by the said plan (the time for compliance with the said order of October 4, 1945, having been subsequently extended by Commission orders dated October 28, 1946, April 22, 1947, October 24, 1947 and May 20, 1948), and

Notice of filing of said request having been duly given and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice of filing, or other-

wise, and the Commission not having ordered a hearing thereon; and

It appearing to the Commission, upon the basis of the reasons advanced and representations made by Niagara Hudson, that it is appropriate in the public interest and in the interest of investors and consumers to grant said request:

It is ordered, That Niagara Hudson Power Corporation's request for a six-months extension from November 1, 1948, to May 1, 1949, of the time within which it must dispose of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation and the subsidiaries thereof, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9394; Filed, Nov. 10, 1948;
8:46 a. m.]

[File No. 70-1924]

SOUTHWESTERN GAS AND ELECTRIC CO.
ET AL.

ORDER GRANTING APPLICATION AND PERMIT- TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November A. D. 1948.

In the matter of Southwestern Gas and Electric Company, Arkansas Power & Light Company, the Arkklahoma Corporation. File No. 70-1924.

Southwestern Gas and Electric Company ("Southwestern") a subsidiary of Central and South West Corporation, a registered holding company, and Arkansas Power and Light Company ("Arkansas") a subsidiary of Electric Power and Light Corporation, a registered holding company, and The Arkklahoma Corporation ("Arkklahoma") an affiliate of Southwestern and Arkansas, have jointly filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Arkklahoma proposes to sell certain utility equipment, designated as nine capacitors, for a cash consideration of \$17,000 each or a total of \$153,000; and Arkansas proposes to acquire six of the said capacitors at an aggregate purchase price of \$102,000, and Southwestern proposes to acquire three of the said capacitors at a total price of \$51,000. It is stated that the gross proceeds from the proposed sale, amounting to \$153,000, will be applied toward the retirement of the outstanding First Mortgage Bonds or Arkklahoma or for acquisition of the property in the nature of renewals, replacements or additions which may be required for the proper operation of Arkklahoma's facilities.

The application-declaration represents that no State commission has jurisdiction over the proposed transactions.

The application-declaration having been filed on August 16, 1948, and an amendment thereto having been filed on October 26, 1948, and notice of such fil-

ing having been given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to the application-declaration, as amended, within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration that the requirements of the applicable provisions of the act and the Rules thereunder are satisfied and that it is not necessary to impose any terms or conditions, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, without, however, affecting the jurisdiction of other appropriate regulatory authorities with respect to accounting entries in connection with the proposed transactions, and deeming it appropriate to grant the request of applicants-declarants that the order become effective forthwith upon issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9393; Filed, Nov. 10, 1948;
8:46 a. m.]

[File No. 70-1942]

BROCKTON EDISON CO. AND EASTERN
UTILITIES ASSOCIATES

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION-DECLARATION AND PERMIT- TING IT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November A. D. 1948.

Brockton Edison Company ("Brockton") a public utility subsidiary of Eastern Utilities Associates ("EUA") a registered holding company, and EUA, have filed an application-declaration pursuant to sections 6 (b) and 12 of the Public Utility Holding Company Act of 1935, with respect to the proposed issue and sale by Brockton of \$4,000,000 principal amount of First Mortgage and Collateral Trust Bonds, --% Series due 1978. The sale is to be made pursuant to competitive bidding, and the interest rate and the price of the bonds will be determined by such bidding. The net proceeds from the sale are to be used to retire \$2,625,000 principal amount of promissory notes of Brockton presently outstanding and to obtain funds for that company's construction requirements. The bonds are to be secured by an Indenture of First Mortgage and Deed of Trust to State Street Trust Company, as trustee, mortgaging and pledging all the assets of Brockton (with certain specified excep-

tions) including its investment in the stock of Montaup Electric Company ("Montaup") a subsidiary company of Brockton and EUA.

The application-declaration also states that the proposed issue and sale of bonds are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts, the State in which Brockton is organized and doing business, and that that Department has expressly authorized such proposed issue and sale.

We issued a notice of filing of the application-declaration, which notice stated that any interested person might request a hearing on the matter. Such a request was made by counsel for Roger W. Babson, the owner of 32,850 shares of convertible stock of EUA, who contended, among other things, that the pledge of the Montaup stock would interfere with compliance with section 11 (b) of the act. We heard oral argument on Babson's request for a hearing. After consideration, we ordered that a public hearing be held solely with respect to the issue whether, in the light of the requirements of section 11 of the act, it is appropriate in the public interest and for the protection of investors and consumers that Brockton's holdings of Montaup should be pledged as partial security for the proposed bond issue.

After appropriate notice, a public hearing was held at which Brockton and EUA appeared in support of the application-declaration. No one appeared in opposition,¹ and no proposed findings or briefs have been filed, nor has oral argument been requested. Our findings are based on an independent review of the record.

Description of the companies. Brockton, a Massachusetts corporation, is a public utility operating company engaged in the electric light and power business in certain communities in southeastern Massachusetts. As indicated above, it is a part of the holding company system of EUA, which owns 97.4% of the outstanding capital stock of Brockton. EUA also owns 86.3% of the outstanding capital stock of Blackstone Valley Gas and Electric Company ("Blackstone") and 36.9% of the common stock of Fall River Electric Light Company ("Fall River") both of which companies are operating electric utility companies.²

Montaup was organized for the limited purpose of furnishing electric energy to its owner companies, Brockton, Fall River and Blackstone. Its agreement with those companies provides in general for a financing and pooling arrangement to supply additional generating capacity for the three owner companies, which serve neighboring areas in Massachusetts and Rhode Island, and to coordinate the operations of all generating facilities of the four companies as a single unified system.

¹ By letter dated October 18, 1948, counsel for Babson informed the Commission that his client had decided it was not advisable for him to participate in the hearing.

² Fall River is also a member of the holding company system of New England Electric system, a nonaffiliated holding company.

Montaup has outstanding 15,000 shares of preferred stock and 133,979 shares of common stock, all of which is owned by the three owner companies. Each owner company holds 5,000 shares of preferred stock; the common stock holdings vary with each company's investment, which is based upon the estimated maximum demand for power from Montaup. Brockton owns 25,897 shares of common stock of Montaup, which, together with its preferred stock, give it 33.23% of the stock entitled to vote and 23.42% of the investment in Montaup. Blackstone and Fall River hold 33.44% and 33.33%, respectively, of the stock entitled to vote. Since the by-laws of Montaup provide that no action may be taken by stockholders without the affirmative vote of 70% of the stock entitled to vote, for all practical purposes no action may be taken by Montaup's stockholders unless all three companies are in agreement.

The record shows that Brockton's generating capacity is only approximately half of its peak load demand. Brockton is therefore dependent upon Montaup as its principal source of power. Brockton's volume of business has been on the upturn in recent years and it is expected to continue so in the near future. There is accordingly no prospect that Brockton's need for power from Montaup will decrease in the foreseeable future.

The Montaup electric system (the generating and transmission facilities of Montaup, Brockton, Blackstone and Fall River) is located in the adjoining states of Massachusetts and Rhode Island. The facilities of all four companies are interconnected by high tension transmission lines. All of the three owner companies are dependent on Montaup as a source of power.

In March 1947, the Commission initiated proceedings pursuant to sections 11 (b) (1) and 11 (b) (2) with respect to EUA, Brockton, Blackstone, Fall River and Montaup.³ Hearings in connection with these proceedings have been closed but no order has, as yet, been issued.

Purpose of the bond issue. At present, Brockton's debt is in the form of bank notes in the principal amount of \$2,625,000. These notes have maturity dates through 1955. Brockton has stated that it is possible that additional money could be borrowed from banks and that the existing bank loans could be renewed on favorable terms. Such financing would be only temporary, however, and would have to be replaced eventually by permanent financing through the issue and sale of bonds or stock. Further, Brockton feels that present interest rates on long term bonds are favorable and wishes by the proposed bond issue to eliminate the risk attendant upon deferring permanent financing to a later date when rates may be higher.

Brockton has made and proposes to make construction expenditures during the period January 1, 1948 to December 31, 1950 totalling approximately \$2,873,000. Approximately \$500,000 of this total had been spent by July 31, 1948.

³ Eastern Utilities Associates and Its Subsidiary Companies, — S. E. C. — (1947), Holding Company Act Release No. 7303.

Brockton expects to obtain the funds for its construction program as follows:

(a) Funds already obtained from the bank notes to be retired.....	\$525,000
(b) Net proceeds of the sale of new bonds after retiring outstanding bank notes.....	1,338,000
(c) Anticipated retirement reserve accruals and appropriations from net income from operations during 1948-1950.....	810,000
(d) Anticipated bank borrowings in 1950.....	200,000

At the hearing testimony was presented on behalf of the company that it was important and desirable that the Montaup stock be included in the security for the proposed issue of bonds. It was stated that it is customary in financing of the kind now proposed to pledge as security substantially all of the physical assets of the borrowing company. The Montaup stock was described as an investment in the principal generating facilities utilized by Brockton in its business, which in effect represents Brockton's principal generating plant. It was asserted that, because of this situation, the pledge of the Montaup stock is as essential to the security of the bonds as is the mortgage of Brockton's own physical property. It was testified that such pledge would improve the amount and quality of the security and would enable the company to sell the bonds at a rate of interest of from $\frac{3}{4}$ % to 1% lower than would have to be paid were the Montaup stock not pledged as partial security.

Exemption under section 6 (b) The third sentence of section 6 (b) of the act provides in part as follows:

* * * The Commission by rules and regulations or order, subject to such terms and conditions as it deems appropriate in the public interest or for the protection of investors or consumers, shall exempt from the provisions of subsection (a) the issue or sale of any security by any subsidiary company of a registered holding company, if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the State commission of the State in which such subsidiary company is organized and doing business, * * *

The proposed issue and sale of bonds are solely for the purpose of financing the business of Brockton and have been authorized by the State Commission of the State in which Brockton is organized and doing business. The issue and sale of such bonds therefore should be granted exemption, pursuant to section 6 (b) of the act, from the provisions of sections 6 (a) and 7. The only question is whether it is necessary in granting the exemption to impose any terms and conditions.

We have held that we have power to impose terms and conditions, in connection with an exemption under section 6 (b) where they are necessary to avoid a material variance from the basic standards and policies of the act.⁴ However, the record contains no showing that any such terms and conditions are necessary in this case. There is no evidence in support of the contention made in con-

⁴ Public Service Company of Indiana, Inc., — S. E. C. — (1947), Holding Company Act Release No. 7554.

nection with the request for a hearing that the pledge of the Montaup stock would interfere with the achievement of the objectives of section 11 (b). On the other hand, the applicants-declarants submitted evidence in support of their proposal and justifying the pledge of the Montaup stock. Counsel for the Division of Public Utilities also took an active part in cross-examination of the witnesses for the applicants-declarants and a full record on the specified issue was made.

We find that the proposed bond issue, including the proposal to pledge the Montaup stock as partial security for the bonds, is not inconsistent with the basic standards and policies of the act. We do not believe that the pledge of the Montaup stock will create any substantial obstacle to compliance with any order or orders which might be issued under section 11 (b).⁵ Furthermore, we note that the proposed Indenture of First Mortgage and Deed of Trust under which the bonds will be issued contains specific provisions permitting the release of the Montaup stock, upon compliance with certain conditions, in the event that it becomes necessary to release that stock from the pledge in furtherance of the section 11 (b) proceedings.

After due consideration, we find that it is not necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions with respect to the proposed transactions, except to the extent indicated below.

Other matters. We deem it appropriate to grant the request of the applicants-declarants that the order herein be effective forthwith, and we shall so provide.

Brockton also requested that the ten-day notice period for inviting bids for the purchase of its bonds, as provided in Rule U-50 (b) be shortened so that the bids may be opened on November 9, 1948. Under the circumstances of this case, we conclude that we may appropriately grant the company's request by permitting the notice period for inviting bids to be shortened to not less than six days.

Since the record has not been completed with respect to the fees and expenses to be paid in connection with the proposed issuance and sale of these bonds, we reserve jurisdiction with respect to such fees and expenses.

The sale of the bonds may not be consummated by Brockton until the results of the competitive bidding pursuant to Rule U-50 have been made a part of the record herein and a further order shall have been issued by us, and we reserve jurisdiction to impose such conditions and terms as may then be deemed appropriate in the light of the record so made.

Accordingly, it is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declara-

tion be and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following additional conditions:

1. The proposed sale of bonds of Brockton shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission on the basis of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

2. Jurisdiction is reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

It is further ordered, That the ten-day period for inviting bids on the proposed bonds as prescribed in Rule U-50 (b) be and hereby is shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9885; Filed, Nov. 10, 1948;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 59 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 8567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9738, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12103]

SCHILLING ESTATE CO. AND GRETCHEN
KOTZENBERG

In re: Annuity under agreement of Schilling Estate Company, a Corporation, payable to Gretchen Kotzenberg. File No. F-28-11710-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Kotzenberg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: All those certain debts or other obligations, matured or unmatured, owing to Gretchen Kotzenberg by Schilling Estate Company, 225 Bush Street, San Francisco, California, including particularly but not limited to those debts or other obligations payable to said Gretchen Kotzenberg by said Schilling Estate Company pursuant to its resolution of March 6, 1934 whereby the sum of \$900.00 per year is payable to said Gretchen Kotzenberg for life,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

(3) That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9334; Filed, Nov. 10, 1948;
8:46 a. m.]

[Vesting Order 12202]

SCHILLING ESTATE CO. AND BERTHA
RENGERT

In re: Annuity under agreement of Schilling Estate Company, a Corporation, payable to Bertha Rengert. File No. F-28-13327-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Rengert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: All those certain debts or other obligations, matured or unmatured, owing to Bertha Rengert by Schilling Estate Company, 225 Bush Street, San Francisco, California, including particularly but not limited to those debts or other obligations payable to said Bertha Rengert by said Schilling Estate Company pursuant to its resolution of February 2, 1937 whereby the sum of \$504 per year is payable to said Bertha Rengert for life,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been

⁵Since the proceedings under section 11 (b) (1) and (2) are still pending, we do not in any way express any opinion as to what orders, if any, might be issued in connection with those proceedings, nor do we in any way limit the action which we may take on the basis of the record made in those proceedings.

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9895; Filed, Nov. 10, 1948;
8:46 a. m.]

[Vesting Order 12254]

MINA FUCHS AND ELIZABETH FUCHS

In re: Debt owing to Mina Fuchs and Elizabeth Fuchs, also known as Elisabeth Fuchs. F-28-29148-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Fuchs, also known as Elisabeth Fuchs, whose last known address is French Zone, Germany, and Mina Fuchs, whose last known address is American Zone, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the First National Bank, New Rochelle, New York, payable to Elizabeth Fuchs and Mina Fuchs, dated December 23, 1942, numbered P-902,601 in the amount of \$48.79 representing the third (final) dividend on Claim No. 2793 against the insolvent National City Bank of New Rochelle, New Rochelle, New York, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-9896; Filed, Nov. 10, 1948;
8:46 a. m.]

[Vesting Order 12256]

PAUL JANSCH

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased. F-28-29190-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows: Twenty-five (25) shares of \$1 par value common capital stock of Remington Arms Company, Incorporated, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C-12052, registered in the name of Paul Jansch, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9897; Filed, Nov. 10, 1948;
8:46 a. m.]

[Vesting Order 12262]

SHIGERU AND YATSUKA MIYAKODA

In re: Bank accounts and cash owned by Shigeru Miyakoda, also known as S. Miyakoda, and Yatsuka Miyakoda, also known as Y. Miyakoda. D-39-8289-E-3, D-39-8289-E-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Miyakoda, also known as S. Miyakoda, and Yatsuka Miyakoda, also known as Y. Miyakoda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation owing to Shigeru Miyakoda, also known as S. Miyakoda, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 5410, entitled S. Miyakoda, maintained at the branch office of the aforesaid bank located at 1401 Third Street, Santa Monica, California, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Yatsuka Miyakoda, also known as Y. Miyakoda, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 15042, entitled Y. Miyakoda, maintained at the branch office of the aforesaid bank located at 1401 Third Street, Santa Monica, California, and any and all rights to demand, enforce and collect the same, and

c. Cash in the amount of \$195.00, presently in the possession of the Treasury Department of the United States, in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-9898; Filed, Nov. 10, 1948;
8:46 a. m.]

[Vesting Order 12267]

REV. KARL THIELE AND ELIZABETH THIELE

In re: Debt owing to Rev. Karl Thiele and Elizabeth Thiele. F-28-12415-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rev. Karl Thiele and Elizabeth Thiele, whose last known address is Schotmar-1/Lippe, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Rev. Karl Thiele and Elizabeth Thiele by the Sheboygan Savings and Loan Association, Sheboygan, Wisconsin, in the amount of \$2,015.57, as of December 31, 1945, representing

twenty (20) installment stock savings shares, evidenced by certificates numbered 19240 and 20244 for five shares each and certificate numbered 1429 for 10 shares, registered in the names of Rev. Karl Thiele and Elizabeth Thiele, his wife (or to the survivor of them), Schotmar-1/Lippe, Germany, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said certificates,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9899; Filed, Nov. 10, 1948;
8:46 a. m.]

[Vesting Order 12272]

HEINZ WENZEL

In re: Bond owned by Heinz Wenzel. F-28-7925-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Wenzel, whose last known address is Preussenhof #3, Lauenburg, Pom., Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: One (1) Missouri Pacific Railway Company 5% First Refunding Mortgage Gold Bond, of \$1000 face value, bearing the number M51714, presently in the custody of First National Bank of Houston, P. O. Box 2519, Houston 1, Texas, in a safekeeping account, account No. 7433, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-9300; Filed, Nov. 10, 1948;
8:46 a. m.]

